MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

April 22, 2003

RESPONSIBLE STAFF:

Trudy Schwarz, Community Planning Director

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing:
	Historic District
	Consent Item
	Ordinance
	Resolution
X	Policy Discussion
	Work Session Discussion Item
X	Other: Adoption

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	01/29/2003
	02/05/2003
	02/08/2003
·	02/12/2003
New Hearing	02/21/2003
	02/26/2003
Hearing Date	03/10/2003
Record Held Open	04/15/03
Policy Discussion	04/22/03

TITLE: SDP-01-006

SDP-01-006, Schematic Development Plan for Hidden Creek Land Bay III.

SUPPORTING BACKGROUND:

Hidden Creek I, LLC, Sandler at Hidden Creek LLC, Hidden Creek II, LLC and Churchill Development Corporation, ("applicants"), have submitted a revision to the Schematic Development Plan (SDP) application SDP-01-006. The amended application requests approval of a Schematic Development Plan (SDP), known as Hidden Creek – Land Bay III, in Gaithersburg, Maryland. The proposed plan includes 457 dwelling units (16 Single Family Detached, 325 Single Family Attached, and 116 2-over-2 Condominium Units) on approximately 56 acres of land. The subject property is located east of Goshen Road, between Mid-County Highway and Girard Street in the Mixed Use Development (MXD) Zone.

The subject property was part of the June 7, 1971 annexation resolution R-21-71 for X-096 authorizing the annexation of approximately 169 acres of land. On May 21, 2001, the Mayor and City adopted the Ordinance O-8-01 approving the map amendment application Z-291 to rezone the 56 acres of land known as Hidden Creek Land Bay III to the MXD (Mixed Use Development) Zone with a sketch plan depicting 727 dwelling units. A joint public hearing was held on Dec. 12, 2001 on SDP-01-006, the companion Schematic Development Plan for the property, and the record was held open indefinitely. Soon after the hearing, the Residential Deferment was enacted for approximately a one-year period. The applicant has negotiated the unit count down to 457 dwellings and submitted a revised map amendment application Z-291A to reduce the unit count from 727 dwelling units to the proposed 457 dwelling units. The SDP is a mirror image of the amended rezoning request, both of which reduce the unit yield.

The Planning Commission recommended approval of the SDP at their April 9, 2003 meeting with 32 conditions. The final resolution which is attached includes 28 conditions, reflecting compliance with some of the issues highlighted by the Planning Commission in their recommendation, since the time of the recommendation.

Attached:

Resolution

PC recommendation (on goldenrod color paper)

List of exhibits with **bolded** exhibits included, except for duplicate exhibits included in the record of Z-291A

DESIRED OUTCOME:

Adopt Resolution approving SDP-01-006

RESOLUTION No. R-22-03

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF GAITHERSBURG GRANTING APPROVAL OF LAND BAY III OF HIDDEN CREEK, KNOWN AS SDP-01-006, PRESENTLY ZONED MXD, TO PERMIT CONSTRUCTION OF 457 DWELLING UNITS, INCLUDING 16 SINGLE-FAMILY DETACHED, 325 SINGLE-FAMILY ATTACHED, AND 116 TWO-OVER-TWO CONDOMINIUM UNITS

SDP-01-006

OPINION

This matter has come before the Mayor and City Council for approval of a schematic development plan (SDP) for portions of land zoned Mixed Use Development (MXD). The City Council's authority in this matter is pursuant to \$24-160D.9(b)(3) of the City of Gaithersburg Zoning Ordinance (Chapter 24 of the City Code), which authorizes the Council and Planning Commission to conduct public hearings on a schematic development plan application following appropriate notification procedures and to take action on the application within ninety (90) days of the close of the hearing record, following receipt of a recommendation by the City Planning Commission. This subject case involves approximately 54.9 acres located to the east of Goshen Road, between Midcounty Highway and Girard Street. This area identified as SDP-01-006 was submitted to the Planning and Code Administration and Planning Commission on July 31, 2001. An amended application was submitted to the Planning and Code Administration on January 28, 2003. This application known as SDP-01-006 presently requests approval for the development of 457 dwelling units (16 325 single-family attached. and single-family detached. 116 condominium units) on 56 acres of land.

Operative Facts

A. <u>Background</u>

On May 21, 2001, the City Council approved Ordinance No. O-8-01, granting Zoning Map Amendment Application Z-291 for the "Casey/Goshen Tract," rezoning 56 acres from the E-1 (Urban Employment) Zone, C-2 (General Commercial) Zone, R-18 (Medium Density Residential) Zone and R-A (Low Density Residential) Zone to the MXD (Mixed Use Development) Zone. This approval included a sketch plan submitted as part of the application.

On April 22, 2003, the City Council authorized the execution of a Second Addendum to Annexation Agreement amending and revising the original agreement executed as part of the Annexation of the Property into the City pursuant to Resolution R-21-71 in June 1991. The Second Addendum reduced the overall density on the subject portion of the overall tract to 457 units, established the type of units, certain amenity features, public improvement requirements and other restrictions and requirements with reference to the use and development of the property. This Second

Addendum necessitated amendments to the Zoning Map Amendment Application and accompanying Sketch Plan on Z-291 and the previously submitted Schematic Development Plan.

On April 22, 2003, the City Council approved Ordinance No. O-3-03 granting Amendment to Sketch Plan Z-291A for Hidden Creek (formerly Casey/Goshen Tract). This application reduced the number of units of the Hidden Creek Development request to amend the approved Zoning Map Amendment Application Z-291 by reducing the unit count from 727 dwelling units (18 single family detached, 146 single family attached, 112 2-over-2 condominium and 451 multi-family apartment units) to 457 dwelling units (16 single family detached, 325 single family attached, and 116 2-over-2 condominium units).

B. <u>Current Application</u>

On July 13, 2001, an application form for schematic development plan for the subject property was submitted by Odyssey Development, LLC, on behalf of the Betty Brown Casey Trust. The application was identified as schematic development plan SDP-01-006. The Mayor and City Council and Planning Commission held a joint public hearing on December 3, 2001. At the public hearing, testimony was received from interested and affected parties regarding the schematic development plan. The record was held open indefinitely in order for the City and the developer to further evaluate the application.

On January 22, 2002, the Mayor and City Council adopted a resolution (R-11-02) establishing a deferral of residential development for a period of up to one year. This deferral period was adopted to allow the City to complete its Master Plan review. The subject application was subsequently deferred due to that action.

As a part of the Master Plan review process, the Mayor and City Council established ten Special Study Areas. The subject property was identified as the Casey/Goshen Special Study Area. On July 22, 2002, following the July 2, 2002, Stakeholders Meeting on the Casey/Goshen property, the Mayor and City Council directed the staff to include two land use options for the subject property to be included in the Draft Master Plan document. The two land use options suggested were Mixed Use Residential and Mixed Use Residential with a Commercial/Office Component.

An amended application for SDP-01-006 was submitted to the Planning and Code Administration on January 28, 2003. This application requests approval for the development of 457 dwelling units (16 single-family detached, 325 single-family attached, and 116 two-over-two condominium units).

The Mayor and City Council and the Planning Commission scheduled a joint public hearing on February 18, 2003; however, due to inclement weather the hearing could not be held. The Mayor and City Council and the Planning Commission rescheduled and held a joint public hearing on the proposed Sketch Plan Amendment SDP-01-006 on March 10, 2003. At the public hearing, testimony was received from interested and affected parties regarding the sketch plan amendment. The Planning Commission closed the record on March 20, but at the request of the applicants reopened the record on March 26, 2003, and closed it on April 1, 2003. The Mayor and

Council closed their record on April 15, 2003. The Planning Commission made its recommendations on April 9, 2003, and forwarded their recommendation to the Mayor and City Council for approval of SDP-01-006 with 32 conditions.

The Mayor and City Council has fully evaluated both the recommendations of the staff and the Planning Commission and agrees with their findings and recommendations. In addition, the City Council has evaluated the evidence of record and the relevant provisions of the Second Addendum to Annexation Agreement and makes the following findings, as required by law.

C. Evaluation and Findings

In reviewing the subject application for approval of SDP-01-006, the City Council finds the proposal to be substantially in accordance with Chapter 24, of the City Zoning Ordinance, and specifically §24-160 d.1, the Mixed Use Development (MXD) Zone. The City Council finds that as presented, SDP-01-006 fulfills the purposes and objectives of the Mixed Use Development Zone by producing a more flexible and innovative design for the remainder of Hidden Creek. The SDP, which has been under review by the Planning Staff, the Planning Commission, and the Mayor and City Council, and as revised by the applicant, implements the policies and recommendations of the Mixed Use Development (MXD) Zone.

The Transportation improvements proposed by the applicant will improve existing traffic circulation on surrounding roads to acceptable levels. The reduction in residential units coupled with recent school boundary changes will not adversely affect school facilities and revisions to sewer and storm water management plans by the applicant will result in the development not adversely impacting the environment.

It is the City Council's finding that SDP-01-006, Land Bay III of Hidden Creek, as proposed in its current form which includes 457 dwelling units (16 single-family detached, 325 single-family attached, and 116 two-over-two condominium units), is compatible and harmonious with existing and planned uses in the subject site and adjacent areas. The reduced density, mix of units and amenities and internal relationship of the uses and relationship to surrounding areas produces a compatible and superior living environment.

In conclusion, the City Council finds SDP-01-006 as submitted in accordance with §24-160D, and here unto conditioned, is in the public interest and should be approved due to the presence of sufficient evidence in the record to indicate that the subject SDP has accomplished the purpose of the zone, reflects an internally and externally compatible form of development. The project provides functional vehicular and pedestrian access to all internal areas and to the adjacent commercial area. Further, the application is consistent with the provisions of the Second Addendum to the Annexation Agreement for the Property. The application is consistent with the purpose of the Neighborhood One Land Use Plan, the endorsed Themes proposed for the pending Master Plan, and other current planning efforts relating to the pending Master Plan Amendment as well as generally accepted city planning and land use policies, subject to the applicant complying with the following conditions as stated in this Resolution.

SCHEMATIC DEVELOPMENT PLAN (SDP-01-006)

RESOLUTION

NOW, THEREFORE BE IT RESOLVED, by the City Council of Gaithersburg, that SDP-01-006, being an application filed by Hidden Creek I, LLC, Sandler at Hidden Creek LLC, Hidden Creek II, LLC, and Churchill Development Corporation, requesting approval of the above-cited dwelling units, is hereby Approved subject to the following conditions:

- 1. The applicant shall undertake and complete all transportation facility improvements and actions stated in the applicant's counsel's letter to Jennifer Russel, Director of the City of Gaithersburg Planning and Administration, dated May 7, 2001, as more fully detailed in Attachment 1 to such letter, entitled, "Hidden Creek Summary of Road Improvements Recommended by City and County," dated April 12, 2001, and Attachments 2(a), (b) and (c) to said letter of May 7, 2001, being collectively the consolidated recommendations from the Montgomery County Department of Public Works and Transportation by letters dated October 26, 2000, December 11, 2000, and January 31, 2001, to planning and transportation officials of the City.
 - 2. The Planning Commission is to approve the Street Tree waiver, in accordance with §24-237, at the time of Final Site Plan approval;
 - 3. Applicant is to submit mylars of the Schematic Development Plan and obtain signatures on same of City staff prior to submission for Final Site Plan application;
 - 4. Applicant is to submit an Integrated Pest Management Plan at the time of Final site plan, for review and approval by the City to be recorded prior to the recordation of final subdivision plats;
 - 5. Applicant is to show corner lots on public streets with minimized truncation at intersections of public streets on the Final Site Plan;
 - 6. Final Traffic, Signage and Lane Marking Plan is to be approved by Department of Public Works, Park Maintenance, and Engineering (DPWPM&E) prior to Final Site Plan review by the Planning Commission;
 - 7. Retaining wall details are to be approved by DPWPM&E prior to Final Site Plan review by the Planning Commission;
 - 8. Developer is to dedicate proposed parkland to the City of Gaithersburg within 90 days following the developers' preparation and recordation of all final subdivision plats for Hidden Creek;
 - 9. Soil borings for the stormwater management areas are to be completed and results submitted to DPWPM&E prior to the submission of Final Site Plan;

- 10. Applicant is to submit typical cross sections for the green trail pathway which show material type, thickness, and cross slope, provide details on the pathway grading, maximum slopes and drainage, and provide design and construction details for the two stream crossings, all to be approved by DPWPM&E in conjunction with Final Site Plan review by the Planning Commission;
- 11. All pathways or appropriate signage indicating planned construction of a path adjacent to units are to be installed prior to final occupancy approval of the units:
- 12. Green trail pathway and connections are to be installed by occupancy approval of the 229th unit (50 percent of the number of units). Following construction, the applicant is to identify areas of the path that are ADA compliant;
- 13. Access and public use easements for the green trail pathway and connections and pathways between groups of townhouse buildings as shown on the SDP are to be shown on the final subdivision (record) plat;
- 14. Developer is to obtain a letter from the Montgomery County Department of Health stating that the design for the swimming pool area is acceptable for 567 units prior to Final Site Plan approval;
- 15. Developer is to construct and have available for opening the swimming pool prior to the issuance of occupancy approval of the 300th unit in Land Bay III;
- 16. Developer is to submit draft Homeowners' Association Documents (which include responsibilities for maintenance of stormwater management facilities and private segment of green trail pathway and connections) at the time of Final Site plan review for review and approval by the City prior to the issuance of any building permits;
- 17. Building materials for the 20 units as shown on the SDP site plan adjacent to Goshen Road, Girard Street, and the shopping center are to comply with sound attenuation requirements in the Environmental Standard for Development Regulations;
- 18. Five archway units are to meet Building and Fire Codes or adjustment of property line to be done prior to Final Site Plan submission;
- 19. All Garages are to have a minimum of 18 feet interior depth;
- 20. Details of the final design and placement of the entry features are to be approved at the time of Final Site Plan review;
- 21. Turning radius for portions of alleys A, B, E, K, and P are to be modified to provide adequate room for recycling vehicles and be approved by DPWPM&E prior to Final Site Plan review by the Planning Commission;

- 22. Final elevations of all units are to be approved by the Planning Commission at the time of Final Site Plan, consistent with the approved Design Guidelines;
- 23. Prior to issuance of any building permits, Developer is to record an agreement to dedicate, design and escrow funds or other surety for the full construction of alley GG between Street F and Alley A to a 34-foot street width. Construction of the new street to be by others at the time of the release of the parking easement for the shopping center;
- 24. Typical foundation planting and alley/driveway details are to be submitted as part of the Final Site Plan submission;
 - 25. Conceptual Sediment control and stormwater management plans are to be approved and signed by DPWPM&E prior to Final Site Plan approval by the Planning Commission;
 - 26. Crosswalk and Intersection details are to be submitted and approved by DPWPM&E prior to Final Site Plan approval by the Planning Commission;
 - 27. Hidden Creek Design Code Regulations are to be approved by the Mayor and Council prior to Final Site Plan approval by the Planning Commission;
 - 28. Applicant is to submit Interior details of the roundabout plans and splitter islands to DPWPM&E prior to Final Site Plan approval by the Planning Commission;

ADOPTED by the City Council of Gaithersburg, Maryland, this <u>22nd</u> day of <u>April</u>, 2003.

THIS IS TO CERTIFY that the foregoing Resolution was adopted by the Gaithersburg City Council in public meeting assembled on the <u>22nd</u> day of <u>April</u>, 2003.

COMMUNICATION: PLANNING COMMISSION

MEMORANDUM TO: Mayor and City Council

VIA:

David Humpton, City Manager

FROM:

Trudy M.W. Schwarz, Community Planning Director

DATE:

April 15, 2003

SUBJECT:

SDP-01-006 - Hidden Creek I, LLC, Sandler at Hidden Creek LLC,

Hidden Creek II, LLC and Churchill Development

Corporation

Request to amend the approved Zoning Map Amendment Application Z-291 by reducing the unit count from 727 dwelling units (18 Single-Family Detached, 146 Single-Family Attached, 112 2-over-2 Condominium and 451 Multi-Family Apartment Units) to 462 dwelling units (16 Single-Family Detached, 330 Single-Family Attached, and 116 2-over-2 Condominium Units) on approximately 56 acres of land in accordance with §24-196 of the City Code (map amendments). The property was annexed into the City of Gaithersburg in 1971 by Resolution No. R-21-71 and rezoned to MXD (Mixed Use Development) in 2001 by Ordinance O-8-01. The subject property is located east of Goshen Road, between Midcounty Highway and Girard Street.

At its regular meeting on April 9, 2003, the Planning Commission made the following motion:

Commissioner Levy moved, seconded by Commissioner Winborne, to recommend to the Mayor and City Council approval of Schematic Development Plan SDP-01-006 – Hidden Creek Land Bay III, with the following conditions:

- 1. The applicant shall undertake and complete all transportation facility improvements and actions stated in the applicant's counsel's letter to Jennifer Russel, Director of the City of Gaithersburg Planning and Administration, dated May 7, 2001, as more fully detailed in Attachment 1 to such letter, entitled, "Hidden Creek Summary of Road Improvements Recommended by City and County," dated April 12, 2001, and Attachments 2(a), (b) and (c) to said letter of May 7, 2001, being collectively the consolidated recommendations from the Montgomery County Department of Public Works by letters dated October 26, 2000, December 11, 2001, and January 31, 2001, to planning and transportation officials of the City. (Both Z-291A & SDP);
- 2. The Planning Commission is to approve the Street Tree waiver, in accordance with §24-237, at the time of Final Site Plan approval;
- 3. Applicant is to submit mylars of the Schematic Development Plan and obtain signatures of City staff prior to submission for Final Site Plan application;
- 4. Applicant is to submit an Integrated Pest Management Plan at the time of Final site plan for review and approval by the City to be recorded prior to the recordation of final subdivision plats;
- 5. Applicant is to show corner lots on public streets with minimized truncation at intersections of public streets on the Final Site Plan;
- 6. Final Traffic, Signage and Lane Marking Plan is to be approved by Department of Public Works, Park Maintenance, and Engineering (DPWPM&E) prior to Final Site Plan review by the Planning Commission;
- 7. Retaining wall details are to be approved by DPWPM&E prior to Final Site Plan review by the Planning Commission;
- 8. Developer is to dedicate proposed parkland to the City of Gaithersburg within 90 days following the developers' preparation and recordation of all final subdivision plats for Hidden Creek;
- 9. Soil borings for the stormwater management areas are to be completed and results submitted to DPWPM&E prior to the submission of Final Site Plan;
- 10. Applicant is to submit typical cross sections for the green trail pathway which show material type, thickness, and cross slope, provide details on the pathway grading, maximum slopes and drainage, and provide design and construction details for the two stream crossings, all to be approved

- by DPWPM&E in conjunction with Final Site Plan review by the Planning Commission;
- 11. All pathways or appropriate signage indicating planned construction of a path adjacent to units are to be installed prior to final occupancy of the units;
- 12. Green trail pathway and connections are to be installed by occupancy approval of the 229th unit (50 percent of the number of units). Following construction, the applicant is to identify areas of the path that are ADA compliant;
- 13. Access and public use easements for the green trail pathway and connections and pathways between groups of townhouse buildings as shown on the SDP are to be shown on the final subdivision (record) plat;
- 14. Developer is to obtain a letter from the Montgomery County Department of Health stating that the design for the swimming pool area acceptable for 677 units prior to Final Site Plan approval;
- 15. Developer is to construct and have available for opening the swimming pool prior to the issuance of occupancy approval of the 300th unit in Land Bay III;
- 16. Developer is to submit draft Homeowners' Association Documents (which include responsibilities for maintenance of stormwater management facilities and private segment of green trail pathway and connections) at the time of Final Site plan review for review and approval by the City prior to the issuance of any building permits;
- 17. Building materials for the 20 units as shown on the SDP site plan adjacent to Goshen Road, Girard Street, and the shopping center are to comply with sound attenuation requirements in the Environmental Standard for Development Regulations;
- 18. Five archway units are to meet Building and Fire Codes or adjustment of property line to be done prior to Final Site Plan submission;
- 19. All garages are to have a minimum of 18 feet interior depth;
- 20. Details of the final design and placement of the entry features are to be approved at the time of Final Site Plan review;
- 21. Turning radius for portions of alleys A, B, E, K, and P are to be modified to provide adequate room for recycling vehicles and be approved by DPWPM&E prior to Final Site Plan review by the Planning Commission;

- 22. Final elevations of all units are to be approved by the Planning Commission at the time of Final Site Plan, consistent with the approved Design Guidelines;
- 23. Prior to issuance of any building permits, Developer is to record an agreement to dedicate, design and escrow funds or other surety for the full construction of alley GG between Street F and Alley A to a 34-foot street width. Construction of the new street to be by others at the time of the release of the parking easement for the shopping center;
- 24. Typical foundation planting and alley/driveway details are to be submitted as part of the Final Site Plan submission;
- 25. Road Code Waiver Application RC-29 is to be approved by the Mayor and City Council prior to Schematic Development Plan approval;
- 26. Environmental Waiver Application SDP-01-006 is to be approved by the Mayor & City Council prior to Schematic Development Plan approval;
- 27. Conceptual Sediment control and stormwater management plans are to be approved and signed by DPWPM&E prior to Schematic Development Plan approval by the Mayor and City Council;
- 28. Crosswalk and Intersection details are to be submitted and approved by DPWPM&E prior to Schematic Development Plan approval by the Mayor and City Council
- 29. Hidden Creek Design Code Guidelines are to be approved by the City of Gaithersburg prior to Schematic Development Plan approval by the Mayor and City Council;
- 30. Applicant is to submit Interior details of the roundabout plans and splitter islands for approval DPWPM&E prior to Schematic Development Plan approval by the Mayor and City Council;
- 31. Storm drains located in Alley P are to be extended beyond the green trail, which shall be permitted under Environmental Waiver SDP-01-006, and approved by DPWPM&E prior to Schematic Development Plan approval by the Mayor and City Council; and
- 32. Applicant is to graphically represent homes on the Schematic Development Plan where rear parking will not be allowed due to parked vehicles obstructing the alley_prior to Schematic Development Plan approval by the Mayor and City Council.

Vote: 3-0 (Absent: John Bauer & Victor Hicks)

Joint Public Hearing Mayor and City Council Planning Commission February 18, 2003 March 10, 2003

INDEX OF MEMORANDA SDP-01-006 (Revised Plan)

<u>No.</u>	
1)	Schematic Development Plan, Land Use
2)	Aerial Photo Plan
3)	Schematic Development Plan, Adjacent Area
4)	Schematic Development Plan, Circulation Systems
5)	Connectivity Plan
6)	Schematic Development Plan, Internal Roads
7)	Schematic Development Plan, Building - Lot Plan
8)	Schematic Development Plan, Parking Distribution Plan
9)	Schematic Development Plan, Green Area
10)	Schematic Development Plan, Waiver Request Plan
11)	Letter requesting publication of the Legal Advertisement in the January 29, 2003 and February 5, 2003 edition of the Gaithersburg Gazette
12)	Letter from Donald Boswell, DPWPM&E, to Mike Lichty, Rodgers Consulting re: Stormwate Management Plan
13)	Application for Revised SDP-01-006
14)	List of proposed street names
15)	Engineered Schematic Development Plan, 30 sheets
16)	Schematic Development Plan, Land Use, ½ Scale version
17)	Aerial Photo Plan, ½ Scale version
18)	Schematic Development Plan, Adjacent Area, ½ Scale version
19)	Schematic Development Plan, Circulation Systems, ½ Scale version
20)	Connectivity Plan, ½ Scale version
21)	Schematic Development Plan Internal Roads 1/2 Scale version

- 22) Schematic Development Plan, Green Area, ½ Scale version
- 23) Schematic Development Plan, Waiver Request Plan, ½ Scale version
- 24) Letter requesting publication of the Legal Advertisement in the February 7-9, 2003 Weekend and February 12, 2003 edition of the Gaithersburg Gazette
- Notice of Public Hearing as sent to properties within 200' on February 10, 2003
- 26) Reduced version of Sheets 1-4 of the Engineered Schematic Development Plan
- 27) Mayor and City Council Agenda Cover Sheet, February 18, 2003
- 28) Storm Drain Pipe Computations
- 29) Hidden Creek-MXD Stormwater Management Concept Narrative
- Certified copy of the Notice of Public Hearing as it appeared in the February 7 & 12 issues of the Gaithersburg Gazette
- 31) Letter, dated February 12, 2003, from Ms Sears and Mr. Brown, Linowes & Blocher to the Mayor and City Council RE: Road Code & Environment Standard Waiver applications
- 32) Notice of March 10, 2003 Public Hearing as sent to interested parties on February 19, 2003
- 33) List of persons notified for the March 10, 2003 Joint Public Hearing
- Certified copy of the Notice of Public Hearing as it appeared in the February 21, 2003 issue of the Gaithersburg Gazette
- Letter, dated February 28, 2003, from Ms. Sears and Mr. Brown, Linowes & Blocher to the Mayor and City Council RE: Road Code & Environment Standard Waiver applications & Street Tree Waiver with one attachment
- 36) Road Code Waiver RC-29 Application
- 37) Receipt for the Fee of RC-29 Application
- 38) Letter, dated March 3, 2003, from Frank Bossong, IV, P.E., Rodgers Consulting RE: Road Code Waiver
- 39) Schematic Development Waiver Request Plan (for Road Code, Environmental, & Street Tree Waivers)
- 40) Environmental Standards Waiver Application SDP-01-006
- 41) Letter, dated March 3, 2003, from Frank Bossong, IV, P.E., Rodgers Consulting RE: Environmental Standards Waiver Application
- 42) Letter, dated March 3, 2003, from Frank Bossong, IV, P.E., Rodgers Consulting RE: Street Tree Waiver Request
- Reduced version of Schematic Development Waiver Request Plan (for Road Code, Environmental, & Street Tree Waivers), Exhibit 39
- 44) Reduced version of Schematic Development Plan SDP-01-006, Sheets 1-39

- 45) Mayor and City Council Agenda Cover Sheet, March 10, 2003
- E-mail from Engineering Services Director Mumpower, dated March 6, 2003, RE: Road Code Waiver RC-29 with attached Memo dated March 12, 2002
- 47) Architectural Elevations, Ryland Homes A-5
- 48) Architectural Elevations, Ryland Homes A-6
- 49) Architectural Elevations, Ryland Homes, A-6
- 50) Architectural Elevations, Ryland Homes, A-7
- 51) Architectural Elevations, Ryland Homes, A-7
- 52) Architectural Elevations, M/I Homes
- 53) Architectural Elevations, Centex Homes
- 54) Architectural Elevations, Centex Homes
- 55) Architectural Elevations, Centex Homes
- 56) Building-Lot Plan Schematic Development Plan 8.5" x 11"
- 57) Parking Distribution Plan 8.5" x11"
- 58) Transcript of the Joint Public Hearings for Z-291(A) and SDP-01-006
- 59) Minutes of the Joint Public Hearings for Z-291(A) and SDP-01-006
- 60) Letter, dated March 19, 2003, from Frank G. Bossong, Rodgers Consulting to Jim Arnoult re: Hidden Creek Land Bay III Stormwater Management Concept
- 61) Letter, dated March 19, 2003, from Frank G. Bossong, Rodgers Consulting to Sidney Katz re: Hidden Creek Land Bay III
- 62) Email, dated March 26, 2003, from Michael Hankin to Planning and Code re: Hidden Creek Land Bay III Comment for Record
- 63) Z-291(A) and SDP-01-006 Staff Comments for the March 26, 2003 Planning Commission Meeting
- Memo, dated March 26, 2003, from Barbara Sears and Todd Brown to Fred Felton, Jennifer Russel, Trudy Schwarz, Jim Arnoult, Ollie Mumpower, Erica Shingara, and Don Boswell re: Hidden Creek
- 65) Letter, dated April 1, 2003, from Barbara Sears, Linowes and Blocher to, Trudy Schwarz re: Hidden Creek Land Bay III, Amended SDP-01-006 and Amended Sketch Plan; Submission of Applicants
- 66) Hidden Creek Design Guidelines
- 67) Hidden Creek Land Bay III profile
- 68) Hidden Creek Land Bay III Schematic Development Plan; Cover Sheet Vicinity Map; Sheet 1 of 49

Hidden Creek Land Bay III Schematic Development Plan; Site Plan; Sheet 2 of 49 69) Hidden Creek Land Bay III Schematic Development Plan; Site Plan; Sheet 3 of 49 70) Hidden Creek Land Bay III Schematic Development Plan; Site Plan; Sheet 4 of 49 71) Hidden Creek Land Bay III Schematic Development Plan; Traffic Circulation Plan; Sheet 5 of 49 72) Hidden Creek Land Bay III Schematic Development Plan; Forest Conservation Plan; Sheet 6 of 49 73) Hidden Creek Land Bay III Schematic Development Plan; Forest Conservation Plan; Sheet 7 of 49 74) Hidden Creek Land Bay III Schematic Development Plan; Forest Conservation Plan; Sheet 8 of 49 75) Hidden Creek Land Bay III Schematic Development Plan; Forest Conservation Details; Sheet 9 of 49 76) Hidden Creek Land Bay III Schematic Development Plan; Boundary Exhibit Plan; Sheet 10 of 49 77) Hidden Creek Land Bay III Schematic Development Plan; Street Grade Profiles; Sheet 11 of 49 78) Hidden Creek Land Bay III Schematic Development Plan; Street Grade Profiles; Sheet 12 of 49 79) Hidden Creek Land Bay III Schematic Development Plan; Street Grade Profiles; Sheet 13 of 49 80) Hidden Creek Land Bay III Schematic Development Plan; Street Grade Profiles; Sheet 14 of 49 81) Hidden Creek Land Bay III Schematic Development Plan; Street Grade Profiles; Sheet 15 of 49 82) Hidden Creek Land Bay III Schematic Development Plan; Alley Profiles; Sheet 16 of 49 83) Hidden Creek Land Bay III Schematic Development Plan; Alley Profiles; Sheet 17 of 49 84) Hidden Creek Land Bay III Schematic Development Plan; Alley Profiles; Sheet 18 of 49 85) Hidden Creek Land Bay III Schematic Development Plan; Alley Profiles; Sheet 19 of 49 86) Hidden Creek Land Bay III Schematic Development Plan; Alley Profiles; Sheet 20 of 49 87) Hidden Creek Land Bay III Schematic Development Plan; Alley Profiles; Sheet 21 of 49 88) Hidden Creek Land Bay III Schematic Development Plan; Alley Profiles; Sheet 22 of 49 89) Hidden Creek Land Bay III Schematic Development Plan; Alley Profiles; Sheet 23 of 49 90) Hidden Creek Land Bay III Schematic Development Plan; Concept SWM Plan; Sheet 24 of 49 91) Hidden Creek Land Bay III Schematic Development Plan; Concept SWM Plan; Sheet 25 of 49 92) Hidden Creek Land Bay III Schematic Development Plan; Concept SWM Plan; Sheet 26 of 49 93) Hidden Creek Land Bay III Schematic Development Plan; Concept Landscape, Lighting, and Signage

94)

Plan; Sheet 27 of 49

- 95) Hidden Creek Land Bay III Schematic Development Plan; Concept Landscape, Lighting, and Signage Plan; Sheet 28 of 49
- 96) Hidden Creek Land Bay III Schematic Development Plan; Concept Landscape, Lighting, Signage, and Hardscape Details; Sheet 29 of 49
- 97) Hidden Creek Land Bay III Schematic Development Plan; Concept Utility Plan; Sheet 30 of 49
- 98) Hidden Creek Land Bay III Schematic Development Plan; Concept Utility Plan; Sheet 31 of 49
- 99) Hidden Creek Land Bay III Schematic Development Plan; Concept Utility and Storm Drain Profiles; Sheet 32 of 49
- 100) Hidden Creek Land Bay III Schematic Development Plan; Concept Utility and Storm Drain Profiles; Sheet 33 of 49
- 101) Hidden Creek Land Bay III Schematic Development Plan; Concept Traffic, Signage, and Lane Marking Plan; Sheet 34 of 49
- 102) Hidden Creek Land Bay III Schematic Development Plan; Concept Traffic, Signage, and Lane Marking Plan; Sheet 35 of 49
- Hidden Creek Land Bay III Schematic Development Plan; Concept Sediment Control Plan; Sheet 36 of 49
- Hidden Creek Land Bay III Schematic Development Plan; Concept Sediment Control Plan; Sheet 37 of 49
- Hidden Creek Land Bay III Schematic Development Plan; Concept Sediment Control Details; Sheet 38 of 49
- 106) Hidden Creek Land Bay III Schematic Development Plan; Architectural Elevations; Sheet 39 of 49
- 107) Hidden Creek Land Bay III Schematic Development Plan; Building Lot Plan; Sheet 40 of 49
- 108) Hidden Creek Land Bay III Schematic Development Plan; Parking Distribution Plan; Sheet 41 of 49
- 109) Hidden Creek Land Bay III Schematic Development Plan; Recreation and Open Space Plan; Sheet 42 of 49
- 110) Hidden Creek Land Bay III Schematic Development Plan; Circulation Systems; Sheet 43 of 49
- 111) Hidden Creek Land Bay III Schematic Development Plan; Internal Roads; Sheet 44 of 49
- 112) Hidden Creek Land Bay III Schematic Development Plan; Waiver Request Plan; Sheet 45 of 49
- 113) Hidden Creek Land Bay III Schematic Development Plan; Auto-Turn Analysis Plan; Sheet 46 of 49
- 114) Hidden Creek Land Bay III Schematic Development Plan; Auto-Turn Analysis Plan; Sheet 47 of 49
- 115) Hidden Creek Land Bay III Schematic Development Plan; Auto-Turn Analysis Plan; Sheet 48 of 49
- 116) Hidden Creek Land Bay III Schematic Development Plan; Green Area Plan; Sheet 49 of 49
- 117) Hidden Creek Land Bay III Amended Sketch Plan; Land Use; Sheet 1 of 1

118)	Hidden Creek Land Bay III Amended Sketch Plan; Green Area; Sheet 1 of 1
119)	Hidden Creek Land Bay III Amended Sketch Plan; Circulation Systems; Sheet 1 of 1
120)	Hidden Creek Land Bay III Amended Sketch Plan; Internal Roads; Sheet 1 of 1
121)	Petition to the Mayor and City Council from residents of Whetstone Run
122)	Letter, dated April 10, 2003, to Mayor Katz & Council from Barbara Sears re: Road Code Waiver RC-29, with an attached drawing
123)	Planning Commission & Staff review comments of the Hidden Creek Design Guidelines, submitted to the applicant's representatives April 11, 2003 via e-mail
124)	Hidden Creek Land Bay III Schematic Development Plan; Traffic Circulation Plan; Sheet 5 of 49
125)	Hidden Creek Land Bay III Schematic Development Plan; Forest Conservation Plan; Sheet 6 of 49
126)	Hidden Creek Land Bay III Schematic Development Plan; Forest Conservation Plan Composite; Sheet 6a of 49
127)	Hidden Creek Land Bay III Schematic Development Plan; Forest Conservation Plan; Sheet 7 of 49
128)	Hidden Creek Land Bay III Schematic Development Plan; Forest Conservation Plan; Sheet 8 of 49
129)	Hidden Creek Land Bay III Schematic Development Plan; Forest Conservation Details; Sheet 9 of 49
130)	Hidden Creek Land Bay III Schematic Development Plan; Boundary Exhibit Plan; Sheet 10 of 49
131)	Hidden Creek Land Bay III Schematic Development Plan; Street Grade Profiles; Sheet 11 of 49
132)	Hidden Creek Land Bay III Schematic Development Plan; Street Grade Profiles; Sheet 12 of 49
133)	Hidden Creek Land Bay III Schematic Development Plan; Street Grade Profiles; Sheet 13 of 49
134)	Hidden Creek Land Bay III Schematic Development Plan; Street Grade Profiles; Sheet 14of 49
135)	Hidden Creek Land Bay III Schematic Development Plan; Street Grade Profiles; Sheet 15 of 49
136)	Hidden Creek Land Bay III Schematic Development Plan; Alley Profiles; Sheet 16 of 49
137)	Hidden Creek Land Bay III Schematic Development Plan; Alley Profiles; Sheet 17 of 49
138)	Hidden Creek Land Bay III Schematic Development Plan; Alley Profiles; Sheet 18 of 49
139)	Hidden Creek Land Bay III Schematic Development Plan; Alley Profiles; Sheet 198 of 49
140)	1 - VV C
141)	Down Allow Profiles: Sheet 21 of 49
142)	Diam Allow Profiles: Sheet 22 of 49
143)	DI WAlley Dwofflog Shoot 23 of 49

- 144) Hidden Creek Land Bay III Schematic Development Plan, Concept SWM Plan; Sheet 24 of 49
- 145) Hidden Creek Land Bay III Schematic Development Plan; Concept SWM Plan; Sheet 25 of 49
- 146) Hidden Creek Land Bay III Schematic Development Plan; Concept SWM Details; Sheet 26 of 49
- 147) Hidden Creek Land Bay III Schematic Development Plan; Concept Landscape, Lighting, & Signage Plan, Sheet 27 of 49
- 148) Hidden Creek Land Bay III Schematic Development Plan; Concept Landscape, Lighting, & Signage Plan; Sheet 28 of 49
- 149) Hidden Creek Land Bay III Schematic Development Plan; Concept Landscape, Lighting, Signage, & Hardscape Details; Sheet 29 of 49
- 150) Hidden Creek Land Bay III Schematic Development Plan; Concept Utility Plan; Sheet 30 of 49
- 151) Hidden Creek Land Bay III Schematic Development Plan; Concept Utility Plan; Sheet 31 of 49
- 152) Hidden Creek Land Bay III Schematic Development Plan; Concept Utility & Storm Drain Profiles; Sheet 32 of 49
- 153) Hidden Creek Land Bay III Schematic Development Plan; Concept Utility & Storm Drain Profiles; Sheet 33 of 49
- Hidden Creek Land Bay III Schematic Development Plan; Concept Traffic, Signage, & Lane Marking Plan; Sheet 34 of 49
- 155) Hidden Creek Land Bay III Schematic Development Plan; Concept Traffic, Signage, & Lane Marking Plan; Sheet 35 of 49
- 156) Hidden Creek Land Bay III Schematic Development Plan; Concept Sediment Control Plan; Sheet 36 of 49
- 157) Hidden Creek Land Bay III Schematic Development Plan; Concept Sediment Control Plan; Sheet 37 of 49
- 158) Hidden Creek Land Bay III Schematic Development Plan; Concept Sediment Control Details; Sheet 38 of 49
- 159) Hidden Creek Land Bay III Schematic Development Plan; Architectural Elevations; Sheet 39 of 49
- 160) Hidden Creek Land Bay III Schematic Development Plan; Parking Distribution Plan; Sheet 41 of 49
- Hidden Creek Land Bay III Schematic Development Plan; Recreation & Open Space Plan; Sheet 42 of 49
- 162) Hidden Creek Land Bay III Schematic Development Plan; Circulation Systems; Sheet 43 of 49
- 163) Hidden Creek Land Bay III Schematic Development Plan; Internal Roads; Sheet 44 of 49
- 164) Hidden Creek Land Bay III Schematic Development Plan; Waiver Request Plan; Sheet 45 of 49
- 165) Hidden Creek Land Bay III Schematic Development Plan; Auto-Turn Analysis Plan; Sheet 46 of 49

- 166) Hidden Creek Land Bay III Schematic Development Plan; Auto-Turn Analysis Plan; Sheet 47 of 49
- 167) Hidden Creek Land Bay III Schematic Development Plan; Auto-Turn Analysis Plan; Sheet 48 of 49
- 168) Hidden Creek Land Bay III Schematic Development Plan; Auto Turn Analysis Plan; Sheet 49 of 50

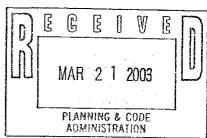
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169) Reduced version of Exhibits #124-168



Mr. James Arnoult
City Engineer
City of Gaithersburg

800 Rabbit Road Gaithersburg, MD 20878-1600 March 19, 2003



Re:

Hidden Creek Landbay III

Stormwater Management Concept

RCI Job No. 540-L2

Dear Mr. Arnoult:

Enclosed please find two copies of the revised stormwater management concept submittal package for the Hidden Creek Landbay III. Except as set forth below all items in Don Boswell's letters of January 27, 2003 and March 13, 2003 have been addressed. RCI will also send a copy of this package directly to Roger Thomas at NRCS for his review.

In general, the computations show that water quantity is handled for the site within the two main SWM facilities and that water quality will be provided in the two main facilities as well as two or three storm filters.

RCI understands that a stormwater management waiver for the $4.1\pm$ ac. draining towards Goshen Road will not be required since stormwater quantity compensation is provided within the proposed SWM Facility 1.

The concept shows how the system will function and the location and sizes of the SWM facilities. Final internal elements such as risers, barrels, and weirs will be completed at the final design stage.

Prior to final design, a safe conveyance study along Goshen Road will be evaluated for the $4.1\pm$ ac. drainage as well as infiltration rates from the groundwater recharge trench on the east side of the property. Although we don't expect a safe conveyance issue, should the need for improvement be warranted, these improvements could be part of the Goshen Road improvement plans. In regards to the dam breach for proposed SWM Facility 2, RCI disagrees with the need for a dam breach on the Goshen Road side, as this is an excavated facility on the Goshen Road side and an embankment on the stream valley side. However, RCI will provide the dam breach as requested by April 1, 2003.

Lastly, we understand the City will coordinate review and approval of the revised SWM concept with Roger Thomas. Once the City approves the revised SWM concept, we further understand that such approval will be subject only to review and approval of final engineering plans consistent with the approved concept, and no further modification to the approved SWM concept will be required.

Should you have any questions or need further information, please contact me at 301-948-4700.

Sincerely,

Rodgers Consulting, Inc.

1-12

Frank G. Bossong, IV, P.E Sr. Vice President

Director of Operations

CC:

Fred Felton Don Boswell Roger Thomas Trudy Schwartz HERGER BANGERS BANGERS

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Bob Larkin
Marty Mankowski
Steve Sandier
Barbara Sears
Todd Brown
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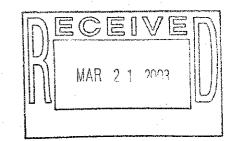
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March 19, 2003

Honorable Sidney Katz, Mayor And Members of the City Council 31 South Summit Avenue Gaithersburg, MD 20877

Re:

Hidden Creek Landbay III RCI Project No. 540-L2

Dear Mayor Katz and Members of the City Council:

As a part of the proposed improvements for Hidden Creek, Landbay III, a 5-foot asphalt pathway is proposed meandering in and out of the stream valley buffer. Based on the current layout as shown at the March 10, 2003 public hearing, a portion of the pathway will be located within the 100-yr. floodplain area and will require 423 cy of fill. This is less than the 600 cy of fill per city code, which triggers the need for a city floodplain variance. This was illustrated on the Schematic Development Plan/Waiver Plan presented at the March 10, 2003 public hearing. Therefore, because of the amount of proposed fill within the floodplain is less then 600 cy, no additional approval or variance is required from thew City.

Sincerely,

Rodgers Consulting, Inc.

Frank G. Bossong, IV, P.E.

Sr. Vice President Director of Operations

cc:

Fred Felton Don Boswell

Roger Thomas Trudy Schwartz

Bob Larkin

Marty Mankowski

Steve Sandler

Barbara Sears

Todd Brown

Kim McCary

Mike Lichty



From:

<Michael.Hankin@fas.usda.gov>
<plancode@ci.gaithersburg.md.us>

To: Date:

-3/26/03 11:31AM

Subject:

Hidden Creek - Land Bay III Comment for Record

Hidden Creek - Land Bay III Comment for Record:

The plans when finally approved should not provide for access to Forest Oaks Middle School from Girard Street. Even with the traffic calming measures that will be implemented later this year, volume and speeds on the street will be excessive and the traffic circle at Victory Farm (which is a terrible idea, especially in snow and fog - please reconsider and place a 4-way stop there instead of the circle)) will be a source of confusion and accidents.

The access point from Girard into the future Hidden Creek Land Bay III must be moved. The road is planned to access the new development at a point where visibility is limited by hills and where exiting will be difficult because of existing apartments access to Girard directly across the street. As a resident of the cul-de-sac that has to access Girard directly across from the Villa Ridge apartment's access, I assure you that one quickly has to become an expert in mental telepathy to avoid accidents. Our access is difficult, but flidden Creek's will be treacherous because of the hills and curves that restrict visibility.

Also, please require that the sidewalk on the North side of Girard.

Street extend all of the way to Victory Farm. You do not want to make the children cross Girard to get to a sidewalk when walking or riding bicycles to the ballpark on Victory Farm or the Gaithersburg middle school.

Also, please consider having an access road for exiting only onto MidCounty, similar to Hidden Creek II, thus relieving the burden on Goshen and Girard.

Thank you.

Michael Hankin 408 Rock Lodge Rd. Gaithersburg

CC:

<cityhall@ci.gaithersburg.md.us>, <skatz@ci.gaithersburg.md.us>

STAFF COMMENTS FOR PLANNING COMMISSION

MEETING DATE: March 26, 2003

SCHEM. DEV. PLAN: Z-291(A) &

SDP-01-006

TITLE: HIDDEN CREEK (CASEY/GOSHEN)

REQUEST: REOPEN RECORD

ADDRESS: Goshen Road and Girard Street

ZONE: MXD Zone

APPLICANT/REPRESENTATIVE/ATTORNEY/DEVELOPER: (as

applicable)

ATTORNEY: Linowes and Blocher- Todd Brown

STAFF PERSON: Trudy M. W. Schwarz, Community Planning Director

Enclosures:

Staff Comments

Exhibit 1: Letter, dated march 18, 2003, from Todd Brown, Linowes and Blocher



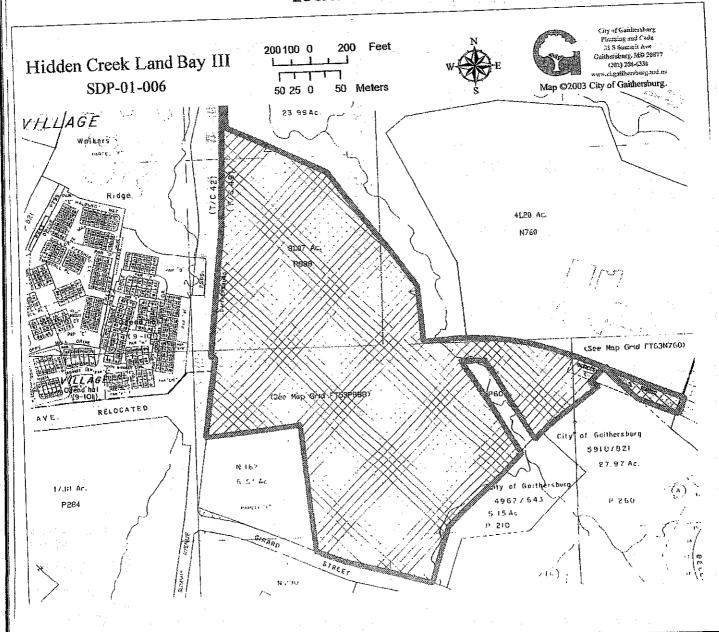
STAFF COMMENTS

On March 10, 2003, the Planning Commission conducted a joint public hearing with the Mayor and City Council on the subject applications. The Planning Commission moved to keep their record open for ten (10) days until March 20, 2003. The applicant's attorneys have requested that the time be extended to allow them to submit additional materials to staff needed to finalize the sketch plan and SDP.

Staff suggests that the Planning Commission make a motion to reopen the record for Z-291(A) and SDP-01-006 until April 1, 2003. Separate motions should be made for each application.

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LOCATION MAP



LINOWESANDBLOCHER

ATTORNEYS AT LAW

[]

Fax 301,495,9044

Todd D. Brown 301.650.7113

tdb@linowes-law.com

s: www.linowes-law.com

March 18, 2003

By Facsimile and First-Class Mail

Ms. Trudy Schwarz City of Gaithersburg 31 South Summit Avenue Gaithersburg, Maryland 20877

Re:

Hidden Creek Land Bay III (Sketch Plan Amendment and SDP)

Dear Ms. Schwarz:

On behalf of the Applicants and pursuant to our March 17, 2003 meeting, the purpose of this letter is to request that the City of Gaithersburg Planning Commission Record in the above-referenced matters remain open until April 1, 2003. The Record is currently set to close on March 20, 2003. The additional time requested will allow the Applicants to prepare and submit the materials discussed at our meeting.

Thank you.

Very truly yours,

LINOWES AND BLOCHER LLP

Todd D. Brown

TDB:cp

cc:

Mr. David Humpton

Mr. Fred Felton

Mr. Robert Larkin

Mr. Howard Katz

Mr. Marty Mankowski

Mr. Steven Sandler

Mr. Thomas Hudson

Mr. Richard Braver

Barbara A. Sears, Esquire

#325199 vİ

MEMORANDUM

TO:

Fred Felton
Jennifer Russel
Trudy Schwarz
Jim Arnoult
Ollie Mumpower
Erica Shingara

FROM:

Barbara A. Sears

Don Boswell

Todd D. Brown

CC:

Bob Larkin Steve Sandler Tom Dunn Tom Hudson Frank Bossong Kim McCary Steve Gang

Marty Mankowski

DATE:

March 26, 2003

RE:

Hidden Creek

- I. Based on Jennifer's list of outstanding items sent by e-mail on March 12, 2003, and our March 17, 2003 meeting, the following indicates the staff requests as listed and in the same order, and then identifies the status of the applicant's response.
- 1. Please submit revised plans which reflect previous meeting comments (we believe these plans are in the process of being updated) by Thursday noon to Planning, and Code, Public Works and Erica Shingara. This will allow us to review the plans prior to the Monday meeting.
 - Meeting with staff occurred on March 17, 2003. The specific items to be submitted by applicants are listed below. In addition, RCI will submit an auto-turn analysis to staff.
- 2. Please respond to previous comments and issues raised regarding storm drain plans.



- RCI will submit responses to the City staff's comments on the storm drain plans and revise plans accordingly.
- 3. Incorporate SWM outfall easement on FCP, Site Plan and Sediment Control plan.
 - RCI will revise plans to show SWM outfall easements.
- 4. Letter or response related to comments made at public hearing regarding school capacity/attendance areas: response should relate to Education theme.
 - Fred Felton will provide.
- 5. Please submit a larger version of the Parking Distribution Plan, i.e. Exhibit # 56 & 57 from SDP and Exhibits 18-21 from Z-291A.
 - RCI has submitted larger scale parking plan per staff request. Building Plan and SDP Site Plan will be revised to more clearly show the footprints of MI units with overhang.
- 6. Clarify materials to be used for pathways.
 - Plans will be revised to indicate that Green Tail Pathway and connections will be 5 feet wide and asphalt. Crossings of stream within Parcel H will be limited to two (2) as shown on SDP Site Plan.
- 7. Design Code Guidelines-we are aware of the fact that they are still under review. Make certain that the new builder's houses are in compliance-look at siting of string of units on same plane.
 - Lessard Architectural Group has drafted Design Guidelines. This draft is being reviewed and finalized by the builders. Applicants will submit a final copy to staff for review when all internal revisions are complete and applicants have conformed them with plans and elevations.
- 8. Written response to Condition #14 from Engineer- i.e., cubic yards of fill in floodplain.
 - Letter from RCI dated March 19, 2003 has been submitted to Mayor and Council.
- 9. Resubmit updated SWM concept plan.

> RCI has submitted revised SWM concept plan to Jim Arnoult with cover letter dated March 19, 2003, with additional copy delivered to Roger Thomas. Concept approval from Roger Thomas to be obtained by City.

10. Sediment Control plan revisions needed.

RCl will resubmit revised plan to staff to address comments.

11. Where is the landscape plan "blow-up"?

- Centex is coordinating with MI/Churchill/Ryan to provide typical foundation planting and alley/driveway details to City. RCI will also provide screening detail of alley intersections with public streets.
- 12. Focus on better defining parking in rear of garages in some alleys.
 - If different from Building Plan referred to in item 5 above, please clarify.
- 13. Cleared forest areas do not coincide with the existing tree canopy line (sheets 6 and 7). Make sure these are accurately displayed and adjust acreages and calculations accordingly.
 - RCI will review all FCP clearing limits with existing features and correct plans.
- 14. Review calculations. According to the recent plan. Total reforestation required = 13.4 acres. The plan identifies 9.69 acres of onsite and offsite reforestation + 1.6 acres of landscape credit = 11.29 acres of reforestation planned. Therefore, 2.11 acres of reforestation remain to be located.
 - RCI will review the FCP calculations and revise where necessary.
- 15. Show details for SWM Pond B outfall (easement, tree clearing, grading, etc.). Evaluate the location of outfall in respect to the proposed bridge.
 - RCI will revise all plans to indicate required grading impacts for SWM outfalls. We
 understand that, based on information provided to Erica Shingara at the March 17, 2003
 meeting, the location of outfall in respect to the stream crossing is acceptable as shown
 on plans.

16. Show offsite reforestation on City property within the flood plain.

 RCI will revise planting plan per staff request to use space within City parcel for reforestation use.

17. Change SF to SSF and add SSF around tree save areas.

RCI will revise FCP and Sediment Control Plans to indicate the use of SSF in areas of
existing tree canopy.

18. Forest Conservation Easement should only be located on Hidden Creek property and not on land to be dedicated to the City or easements for sewer or SWM outfalls.

RCI will eliminate FC easement on proposed area for dedication to City Park. These
areas will not be subject to an easement, but FC plan will note that they will be included
in the calculations for compliance.

19. What is the difference between cleared forest and onsite cleared forest? These appear to be redundant.

RCI reviewed details of cleared forest within SVB at the March 17, 2003 staff meeting.
 Legend on plan will be revised to clearly define those areas.

20. Where is the access to plant trees on City property by Mid-County Highway?

 RCI reviewed locations for staging afforestation planting along Mid-County Highway at the March 17, 2003 meeting. FCP will indicate access on plan in the general notes.

21. The plans shows 0.33 acres of reforestation along the sewer easement. Will WSSC allow this?

 RCI will provide a WSSC memorandum or letter granting approval to reforest along easement area or revise planting plan to include additional .25 acres of reforestation.

22. Modify reforestation and Forest Conservation Easement near SWM ponds. Cannot plant along dam embankment.

• RCI revised FCP will provide required 15-foot separation of plantings to toe of slope for SWM embankment.

23. Remove natural regeneration section from planning notes; whips and seedlings are not allowed per the tree manual.

RCI will eliminate regeneration notes from FCP detail sheet.

NOTE: All revised plans and responses to be submitted to City on or before April 1, 2003.

- II. As discussed, the following is our understanding of the plans to be approved as part of SDP:
 - 1. Elevations for Centex, Churchill, MI Homes, and Ryan
 - 2. Design Guidelines (covering all of Land Bay III)
 - 3. Forest Conservation Plan
 - 4. Storm Drain Plan and Profiles
 - 5. Open Space Plan (to identify location and extent of all required recreation areas and green areas and their uses)
 - 6. Schematic Development Site Plan
 - 7. Traffic Circulation Plan (to include road and alley network)
 - 8. Circulation Systems Plan
 - 9. Internal Roads Plan (includes designation of public and private streets, private alleys, typical roadway cross-sections, and street section limits)
 - 10. SWM Concept Plan
 - 11. Preliminary Street Grade/Profile Plans
 - 12. Concept Landscape, Lighting, and Signage Plan (to include Typical Foundation Planting Plan in typical alley/driveway details)

- 13. Parking Distribution Plan
 - 14. Waiver Request Plan and Waivers
 - 15. Building Lot Plan
 - 16. Utility Concept Plan
 - 17. Concept Sediment Control Plan and Details Plan
 - 18. Hardscape and Signage Details Plan

NOTE: All Plans listed above will be reviewed by applicants for consistency and revised as required.

- III. The following is our understanding of the elements to be approved as part of the Sketch Plan Amendment:
 - Land Use Plan
 - Internal Roads
 - Green Area Plan
 - Circulation Systems Plan
 - Phasing Plan (to be accelerated and further phasing not required)
- IV. This memorandum will also confirm the balance of the schedule for approvals, which we discussed at our meeting.
 - April 1, 2003 Planning Commission record closes
 - April 9, 2003 Planning Commission makes recommendation to Mayor and Council
 - April 22, 2003 Mayor and Council act to approve Amendments and Waivers, and to grant Sewer Easement and Stormwater Management Outfall Easements; Mayor and Council authorize City Manager to sign Sewer Easement

- April 22, 2003 Final adoption by Mayor and Council of Resolutions approving Amended Sketch Plan, Amended SDP and Waivers; City Manager signs Sewer Easement on behalf of City in recordable form and provides signed easements and Stormwater Outfall Easements to Owners for recordation
- V. Based on our meeting of March 17, 2003, the applicants and RCI are evaluating whether the right-of-way adjacent to the Casey Shopping Center, partially subject to the Casey Parking Easement, can be redesigned to have 18 feet of paving to include a one-way street with parallel parking and landscaping. The results of this effort will be presented to staff as soon as possible.
- VI. Finally, the City Attorney, City Manager, and Linowes and Blocher must complete the Second Addendum for signature prior to the April 22, 2003 SDP action date. Completion has been delayed pending progress on the above-referenced plans.

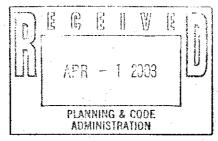
Please call if you have any questions or comments on the above.

LINOWES AND BLOCHERLLE

ATTORNEYS AT LAW

1010 Weyne Avenue, Tamb Floor Silver Spring, MID 20010-5800 301.580 US00 Few 301.485.9044 Website: www.finowee-law.com

April 1,2003



Barbara A. Sears 301,650,7057 bas@linowes-law.com

Trudy Schwarz
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, MD 20877-2098

Re: Hidden Creek Land Bay III, Amended SDP-01-006 and Amended Sketch Plan;

Submission of Applicants

Dear Trudy:

Enclosed please find seven sets of the above-referenced Amended SDP ("SDP") and Amended Sketch Plan which have been revised by the Applicants to respond to staff comments and as explained below. Complete sets of all plans are submitted for your ease of reference. The cover sheet of the SDP contains the Plan Index and identifies each sheet by number and title. There are 49 sheets, plans, or profiles (collectively, the "Plans"), including the cover sheet, that form the SDP as submitted. Notes which further form a part of the SDP are found throughout the Plans.

I. Outstanding Items Requested by Staff

Based on Jennifer Russel's list of outstanding items sent by e-mail on March 12, 2003, and our March 17, 2003 meeting, the following are the responses of the Applicants.

- 1. Please submit revised plans which reflect previous meeting comments (we believe these plans are in the process of being updated) by Thursday noon to Planning and Code, Public Works and Erica Shingara. This will allow us to review the plans prior to the Monday meeting.
 - The referenced meeting with staff occurred on March 17, 2003. The Auto-Turn
 Analysis Plan requested by staff at this and earlier meetings is enclosed as part of the
 SDP (Sheets 46, 47, and 48). This analysis contains two alternatives, depending on the
 service truck used. Therefore, the analysis contains the following note:
 - "Note: All alley to alley intersection fillets may be modified if alternate service truck is used to reduce turning movements. If so modified, development calculations to be changed accordingly at final site plan."



_LINOWES AND BLOCHER ...

Trudy Schwarz April 1, 2003 Page 2

Written comments made by staff on prior plan submissions and verbally at meetings with Applicants are addressed throughout the Plans and below.

2. Please respond to previous comments and issues raised regarding storm drain plans.

The enclosed Concept Utility Plans (Sheets 30 and 31) address previous staff comments and issues. Specifically, the revisions include the following:

Inlets on curved areas of roadway have been relocated outside of curved roadways

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- · PUEs for streetlights have been provided
- Legend has been updated to show light pole graphic
- The following notes have been added to the Concept Utility Plan:
 - . "All PEPCO conduit for street crossings to be installed prior to street paving"
 - . "All PEPCO cable in public right-of-ways shall be in conduit"
- Width of PUEs have been added
- Utility companies will provide letter that PUEs are adequate and no additional street crossings are required
- 3. Incorporate SWM outfall easement on FCP, Site Plan and Sediment Control plan.
 - SWM facilities have been labeled on all plans. An inset to show outfall for Facility "B" has been added to all plans where Facility "B" is not shown in full on the plan. Limits of SWM easements are clearly defined on FCP, Site Plan, and Concept Sediment Control Plans. LOD has been modified to be consistent with easement areas.
- 4. Letter or response related to comments made at public hearing regarding school capacity/attendance areas: response should relate to Education theme.
 - Fred Felton will provide.
- 5. Please submit a larger version of the Parking Distribution Plan, i.e. Exhibit # 56 & 57 from SDP and Exhibits 18-21 from Z-291A.

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Trudy Schwarz April 1, 2003 Page 3

• The Parking Distribution Plan has been modified to reflect the revisions to the Sandler Parcel (Sheet 41). A note has been added to this Plan that all on-street parking is to remain available without restrictions. The table has been revised to reflect the changes to the Site Plan limit numbers. A larger scale plan per staff's request has been prepared. Finally, the footprints of the MI units have been revised to show the overhang more clearly.

6. Clarify materials to be used for pathways.

- Plans have been revised to provide a note where appropriate to indicate that the Green Tail Pathway and connections will be 5 feet wide and asphalt, and that stream crossings are limited to two (2) in approximately the locations shown on the Site Plan. A further note has been added to address that the exact location of the Green Trail Pathway in the shaded areas will be determined by a field walk with staff.
- 7. Design Code Guidelines-we are aware of the fact that they are still under review. Make certain that the new builder's houses are in compliance-look at siting of units on same plane.
 - Copies of the Design Guidelines are attached.

8. Written response to Condition #14 from Engineer- i.e., cubic yards of fill in floodplain.

 Completed a letter from RCI dated March 19, 2003 addressing this point has been submitted to Mayor and Council.

9. Resubmit updated SWM concept plan.

RCI has submitted the revised Concept SWM Plan to Jim Amoult with a cover letter dated March 19, 2003, and an additional copy was delivered to Roger Thomas. Certain additional details were requested by staff following this submittal and are incorporated on the enclosed Concept SWM Details Plan (Sheet 26). Concept approval from Roger Thomas to be obtained by City prior to action on the SDP by the Mayor and Council. The Concept SWM Plan and Details are set forth at Sheets 24, 25, and 26.

10. Sediment Control plan revisions needed.

 Revised Concept Sediment Control Plans and Detail are attached (Sheets 36, 37, and 38). Sediment Trap "C" has been added. SSF has been added along the existing free canopy at the edge of the property. The Plan has been revised to relocate sediment control devise outside of the Casey parking easement. SVB is shown and labeled.

_LINOWESAND BLOCHEROO

Trudy Schwarz April 1, 2003 Page 4

100-year floodplain has been delineated with associated BRL. Green Trail Pathway location is addressed by above note (Item 6).

11. Where is the landscape plan "blow-up"?

 Typical foundation planting and alley/driveway details will be submitted as part of the final site plan. The screening detail of alley intersections with public streets has been included as a detail on attached Concept Landscape, Lighting, and Signage Plan (Sheets 27, 28, and 29).

12. Focus on better defining parking in rear of garages in some alleys.

- Applicants have agreed that, for units where length of garage access does not provide an 18-foot minimum parking distance outside of alley travel lane, the condition will be disclosed by builder in the sales contract. Further, the locations of such units will be shown on the final site plan.
- 13. Cleared forest areas do not coincide with the existing tree canopy line (sheets 6 and 7). Make sure these are accurately displayed and adjust acreages and calculations accordingly.
 - The FPC Legend has been corrected. Notes have been added to the FCP to reflect that the reforestation planting will be accessed from the school site and Mid-County Highway. The FPC has been revised to show correct clearing limits with existing features. The FCP has some inconsistencies with the NRI, based on receipt of better data since the NRI was prepared. RCI explains that the use of revised data has been reviewed by and agreed to by Erica Shingara.
- 14. Review calculations. According to the recent plan. Total reforestation required = 13.4 acres. The plan identifies 9.69 acres of onsite and offsite reforestation + 1.6 acres of landscape credit = 11.29 acres of reforestation planned. Therefore, 2.11 acres of reforestation remain to be located.
 - FCP calculations have been revised. All requirements have been met on-site or on Parcel "H."
- 15. Show details for SWM Pond B outfall (easement, tree clearing, grading, etc.). Evaluate the location of outfall in respect to the proposed bridge.

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Trudy Schwarz April 1, 2003 Page 5

> Inset showing SWM Pond B outfall has been added to FCP. The Site Plan and Concept Sediment Control Plans are discussed in responses to Item 3 above. The outfall detail on these plans address grade impacts and delineate the revised LOD.

16. Show offsite reforestation on City property within the flood plain.

• The FCP has been revised to show reforestation area within floodplain as discussed at March 17, 2003 meeting.

17. Change SF to SSF and add SSF around tree save areas.

• The FCP and Concept Sediment Control Plans have been revised to indicate the use of SSF in areas of existing tree canopy.

18. Forest Conservation Easement should only be located on Hidden Creek property and not on land to be dedicated to the City or easements for sewer or SWM outfalls.

• Easement designations on all off-site forest retention areas located within Parcel "H" (now owned by the City) and area to be dedicated to the City for park have been removed. A footnote has been added to FCP Detail Plan (Sheet 9) stating that this land will not be subject to forest conservation easements, but will be included in the calculations for the Applicants' compliance with applicable laws and regulations.

19. What is the difference between cleared forest and onsite cleared forest? These appear to be redundant.

• FCP Legend has been revised to clearly label On-Site Stream Valley Buffer Cleared Forest and Off-Site Stream Valley Buffer Cleared Forest.

20. Where is the access to plant trees on City property by Mid-County Highway?

A note has been added to the FCP on access (see response to Item 13 above).

21. The plans shows 0.33 acres of reforestation along the sewer easement. Will WSSC allow this?

RCI has confirmed that the area in the easement is .25 acre, and not .33 acre. A note
has been added to the FCP stating that the WSSC will provide a memorandum or letter
granting approval to reforest the WSSC easement area, or the FCP will be revised to
show up to an additional .25 acre of off-site reforestation.

4.62

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- 22. Modify reforestation and Forest Conservation Easement near SWM ponds. Cannot plant along dam embankment.
- FCP has been revised to show required 15-foot separation of plantings to toe of slope for SWM embankment.
- 23. Remove natural regeneration section from planning notes; whips and seedlings are not allowed per the tree manual.
 - FCP has been revised to remove the above.

II. Plans to be Approved as Part of SDP

As indicated above, the SDP consists of 49 sheets. After having the ability to meet with staff and respond to staff comments, Applicants believe that all sheets of the SDP should be approved as part of the SDP, with the exception of the Boundary Exhibit (Sheet 10), Auto-Turn Analysis (Sheets 46,448; and 48), and Concept Green Area Plan (Sheet 49). The Boundary Exhibit is a requirement for filing and the other Plans were submitted in response to staff requests to show feasibility of the toad system as planned to function and compliance of the overall green area with the Zoning Ordinance requirement of 40 percent. Under the circumstances, the approval of other Plans forming the SDP cover the matters at issue. In summary, the Plans to be approved as part of the SDP, identified by Sheet Number and Plan Type, are therefore designated as follows:

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- 1. Cover Sheet Vicinity Map
- 2. Site Plan
- 3. Site Plan
- 4 Site Plan
 - 5. Traffic Circulation Plan
- 6. Forest Conservation Plan
 - 7. Forest Conservation Plan
 - 8. Forest Conservation Plan
 - 9. Forest Conservation Details
 - 10. [deleted]
 - 11. Street Grade Profiles
 - 12. Street Grade Profiles
 - 13. Street Grade Profiles
 - 14. Street Grade Profiles
 - 15. Street Grade Profiles
 - 16. Alley Profiles
 - 17. Alley Profiles

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- 18. Alley Profiles
- 19. Alley Profiles
- 20. Alley Profiles
- 21. Alley Profiles
- 22. Alley Profiles
- 23. Alley Profiles
- 24. Concept SWM Plan
- 25. Concept SWM Plan
- 26. Concept SWM Details
- 27. Concept Landscape, Lighting & Signage Plan
- 28. Concept Landscape, Lighting & Signage Plan
- 29. Concept Landscape, Lighting & Signage Hardscape Details
- 30. Concept Utility Plan
- 31. Concept Utility Plan
- 32. Concept Utility & Storm Drain Profiles
- 33. Concept Utility & Storm Drain Profiles
- 34. Concept Traffic, Signage & Lane Marking
- 35. Concept Traffic, Signage & Lane Marking
- 36. Concept Sediment Control Plan
- 37. Concept Sediment Control Plan
- 38. Concept Sediment Control Details
- 39. Architectural Elevations
- 40. Building Lot Plan
- 41. Parking Distribution Plan
- 42. Recreation and Open Space Plan
- 43. Circulation Systems Plan
- 44. Internal Roads Plan
- 45. Waiver Request Plan

Additionally, the Design Guidelines should be approved as part of the SDP. Seven copies of these Guidelines are attached.

III. Amended Sketch Plan

The following is our understanding of the elements to be approved as part of the Amended Sketch Plan:

- Land Use Plan
- Internal Roads Plan
- Green Area Plan
- Circulation Systems Plan

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Trudy Schwarz April 1, 2003 Page 8

> Phasing Plan (to be accelerated in accord with Ordinance No. 0-8-01 and no further phasing to be required)

The above Plans, taken together, form the Amended Sketch Plan. Seven sets of the Amended Sketch Plan are enclosed.

- IV. Revision to Sandler Parcel to Respond to Casey Parking Easement Issue
 - A revised cross section is attached. This cross section has been incorporated into the SDP and Amended Sketch Plan. The revised cross section shows 18 feet of paving, including an 11-foot one-way drive iste, 7-foot parallel parking, 6-foot inside grass strip, 5-foot sidewalks, 7-foot setback (stoops within setback), and 2½-foot grass strip on outside to edge of the easement. There is a 3½-foot grass strip against the Cascy parking lot on existing easement. No reduction of MI units or square footage within units was required.

V. Second Addendum

Finally, the City Attorney, City Manager, and Linewes and Blocher must complete the Second Addendum for signature prior to the April 22, 2003 SDP action date. Completion has been delayed pending progress on the above-referenced plans.

In view of the upcoming Planning Commission date, it may be of assistance to meet to discuss the above enclosures and information with Applicants and their consultant team. Please advise if such a meeting would be of assistance. Thank you for your continued cooperation.

Very truly yours,

LINOWES AND BLOCHER LI

Barbara A. Sears

cc:

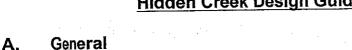
Fred Felton
Jennifer Russel
Jim Amoult
Ollie Mumpower
Erica Shingara
Don Boswell

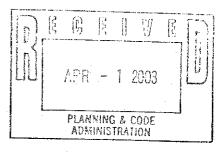
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Trudy Schwarz April 1, 2003 Page 9

Bob Larkin
Steve Sandler
Marty Mankowski
Tom Dunn
Tom Hudson
Frank Bossong
Kim McCary
Steve Gang
Todd D. Brown, Esq.

Hidden Creek Design Guidelines





The purpose of these design guidelines is to develop a set of standards to ensure a well-planned community. The buildings developed within a community will have compatibility of exterior materials and an orderly massing. This will be accomplished by material, texture, massing and/or profile changes.

To the extent any of the provisions set forth in these Design Guidelines are contrary to, at variance with, or inconsistent with any of the Plans ("Plans") or Plan Notes ("Notes"), including, but not limited to, the Elevations, Schematic Development Plan or Final Site Plan, these Design Guidelines shall control, except for the provisions of the Second Amendment to the Annexation Agreement which shall control in the event any of the terms, conditions or provisions of these Design Guidelines, the Sketch Plan Amendment, the Schematic Development Plan or the Final Site Plan is contrary to, at variance with, or inconsistent with the Second Amendment to the Annexation Agreement.

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These Design Guidelines may be modified by the Applicant(s) from time to time, subject to review and approval of the City Manager within fifteen (15) days of the submittal to the City Manager.

B. Green Areas and Open Space

1. All green areas will be well defined and appropriate to the surrounding areas.

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- 2. A variety of open space areas are proposed to create both urban and natural amenities.
- 3. The open spaces will contain the appropriate landscaping features such as benches, lighting, or play areas.

C. Building Siting and Setbacks

- 1. Buildings should be sited close to and face the primary street edge. However, zero lot lines are permitted where appropriate.
- 2. The primary entrance to a building should be clearly visible from the street, and should front the primary street.
- 3. A range for a front build-to line from the street edge (or the R.O.W.) should be determined depending on the type of amenities and activities anticipated along the street.
- 4. Minimum building setbacks should be provided based on the use, height, and orientation of the building.

D. Exterior Walls

- 1. Exterior walls may be of brick (brick veneer) material, wood siding, masonry siding, vinyl siding, stone (cultured stone), cementitious material, or combinations thereof, at the builder's discretion as set forth herein:
 - a) For single family detached units, all exterior walls to be of siding, with brick (brick veneer), stone (cultured stone), or a combination thereof, as an option at the builder's discretion.
 - b) For Centex Homes' single family attached units, all units to be of full brick (brick veneer) front facades and full brick (brick veneer) side facades for end units.

Rear facades to be of brick (brick veneer) or siding, or a combination thereof, at the builder's discretion.

- c) For the two over two condominium units, all exterior walls to be of brick (brick veneer), stone (cultured stone) or siding, or a combination thereof, at the builder's discretion. Each row of units to have brick (brick veneer) cover not less than 25% of the cumulative surface area of the front facades. This will permit front facades of one or more units within each row to be all siding at the builder's discretion.
- d) For remaining single family attached units, all units to be of full brick (brick veneer) or stone (cultured stone) front facades, or a combination thereof, except for units containing arched areaways fronting streets which will have a brick (brick veneer) or stone (cultured stone) water table with siding above. All side facades to be of brick (brick veneer). Rear facades to be of brick (brick veneer), stone (cultured stone) or siding at the builder's discretion.
- 2. There will be a minimum of one endwall feature.
- 3. Foundation walls will be of brick, stone, or concrete pressed with a brick pattern.
- 4. Vertical corner boards for siding elevations or on homes with brick or masonry veneer on the front elevation are to be distinctive in each direction.
- 5. There will be a variety of different colors used on all of the buildings on a single family attached lot.
- No more than two dwelling units of the same elevation with the same color are allowed on any building string.

Brick

- 1. The brick may be coursed in common bond, Flemish Bond, herringbone, basketweave, or other decorative bond, or horizontal running bond. Bonding variations are permitted.
- 2. In situations of end-unit single family attached dwellings with a brick front façade only, or with a stone front façade only, the brick (or stone) must run in the side façade unless terminated by a porch or other similar condition.
- 3. A traditional dark color of brick is encouraged, however painted brick is permitted.

Siding

- The vinyl and beaded siding products permitted are Southern Beaded or Restoration
 Classic 45, Alloa Beaded, Certainteed Beaded or Monogram, Wolverine Technologies
 Co., or equivalent. There will be no aluminum products.
- 2. Siding joints will be caulked, painted, or per manufacturers installation instructions.
- 3. Siding will be arranged to the weather.
- 4. Siding may be lapped or Dutch-lapped. Exterior shingles are encouraged where appropriate.
- 5. There will be a nominal size trim used with siding.

E. Windows and Doors

Windows

- 1. All exterior elevations are required to have windows.
- 2. The windows must be single, double, or triple-hung.
- 3. Real, snap-in muntins, or grills between glass are permissible.

- 4. The proportion of the windows will be 1:2 or 2:3 if the window is square or rectangular in configuration and vertical in orientation. There may be circular, half round, irregular, or elliptical accent windows. Paired quarter round windows may be used in pairs flanking another architectural feature.
- 5. Window lites are to be square or vertical in proportion and will be in any one of the following proportions: 9 over 1, 6 over 1, 4 over 1, 3 over 1, 2 over 1, 2 over 2, 6 over 6, 4 over 6, or 9 over 9.
- 6. Windows will be of wood, vinyl-clad wood, metal, vinyl, or extruded aluminum.
- 7. Windows will not be any closer than two feet to the corners of the building.
- 8. A nominal size trim is required on all walls constructed of siding surrounding all building openings.
- 9. Skylights are to be located only on the backside of the roof ridge or on nearly flat roofs.
- 10. Gabled ends are permitted to have accent windows.
- 11. Openings, windows, and window sashes will be rectangular with a vertical or square proportion.
- 12. Window wells may require landscape screening, depending upon the field conditions.

Shutters

- 1. Shutters may be provided at the builder's discretion.
- 2. Shutters will be wood, vinyl, brushed metal with louvers, or raised panels.
- 3. Shutters will be or appear to be operable and must be of sufficient size to cover the opening if both sides are closed.

Doors

- Doors must be made of fiberglass with a wood print veneer, steel, or wood, and must be painted or stained. All doors will have glass, raised panels, or both.
- 2. Storm doors, windows, and screens will be vinyl, aluminum, or painted wood. Storm doors and screen doors are to be free of decorative trim, in full view, and be finished to match either the main door or the trim around them.
- 3. Garage doors must be made of wood, embossed hardwood, steel, fiberglass, or wood veneer. Fenestration is permitted.
- 4. Garage doors will be recessed no less than six inches from the outermost edge of the garage wall.
- 5. Two-car garages with paired double garage doors are permitted, however, single garage doors are desired. If paired garage doors are used, they will be separated by a post a minimum of a significant width.

F. Roofs

- 1. There must be symmetrical and simple roof configurations. There will be a range of 6:12 to 14:12 pitch for single-family attached dwelling units and 4:12 to 14:12 pitch for luxury apartments. They will be in a gable, gambrel, mansard, or hip arrangement.
- 2. Roof construction materials must be pre-approved asphalt shingles or standing seam metal (green, brown or black in color).
- 3. The colors of the roofs should be black, dark gray, or silver.
- 4. An architectural cornice or similar roof treatment must accompany any flat roof over an entry portico and porch.

- 5. A parapet will be used to edge any flat roof when used as an exterior deck and accessed from the interior of the building.
- 6. When used as a secondary roof set against the wall of the main building, shed roofs (roofs which pitch in one direction) are permissible.
- 7. Brackets, spandrels, finials, and other ornamentation are permitted.

Gutters

- 1. Gutters will be constructed of aluminum.
- 2. Gutters must match the color of the main building or the color of the trim.
- 3. All gutters on the front elevation of single family attached dwellings must be set against a trim that is a minimum of 4" wide than the gutter itself. Rear gutters will have a minimum of 2" wider than the gutter itself.

G. Building Elements - Single Family Attached

- 1. Piers and columns must be of pre-cast concrete, brick, or simulated wood.
- 2. Arches will have a distinctive thickness (on both the inside and outside surfaces) and width. All keystones will have sides radial to the arch.
- 3. A minimum width of 6" inches must be maintained for all piers and columns.
- 4. All columns and piers made of simulated wood must be painted to match the trim of the main building.
- 5. The appearance of one whole column may be achieved through the use of multiple columns.

H. Fencing Along Streets and Front Yards

- 1. Fencing may be wood picket, wood lattice, wood board, or metal picket.
- 2. All gates will be of designs and materials to match adjoining fences. Gate hardware should be rust resistant and have a metal finish that is bronze, brass, or black. Gates are to swing into the property as opposed to into the sidewalk.
- 3. All fencing must have finished fence post tops or caps.
- 4. Wood or metal picket fences should range between 32" and 42" in height.
- 5. Terminal posts (corners, openings, ends, etc.) will be thicker and taller than typical posts.
- 6. Any side yards along side streets and/or public walkways will have the same fencing as front yards, or may have screen fencing up to a 42" height.
- 7. Rear yard fencing may consist of screen fencing as well. This fencing is to be a minimum of 42" in height and a maximum of 6' in height. Screen fencing can be of wood and board against board construction.
- 8. A stepped or sloped fencing pattern may be used on small slopes. Equal increments are to be used along a consistent slope. Whenever possible, fences shall be stepped in at least two section increments. On large slopes only a sloped frame will be used to run along the slope.
- 9. Vinyl/plastic fencing, chain-link fencing, and paneled materials are not permitted.
- 10. Screen fencing will be of wood and board against board construction.
- 11. Multi-family perimeter fencing is permitted and shall be masonry, metal grill, or combination of both.

Front Yard Fencing - Metal

- Metal Fences may be placed on top of a low stone or brick wall. The entire fence structure is not to exceed 42".
- 2. Picket spacing may be no more than 4" apart. 3. Any field welding will be ground smooth and clean before painting.

Gates

- 1. Gates will not exceed fifty-four inches (54") in height.
- 2. Picket spacing may be no more than 4" apart.

I. Decks, Porches, and Terraces

- 1. All decks and terraces of single-family attached dwellings are to be located in the rear yard only. Balconies are permitted on any façade.
- Decks may be made of pressure-treated wood. Composite wood ("Trex" or equal) may be used for walking surfaces.
- 3. The coloring of rails and caps of decks are to be white (painted or vinyl).
- 4. Decks should be of a scale and style that is complimentary to the home.
- 5. Decks on any single family attached dwelling may have privacy screens, and they will be designed as an integral part of the deck.
- 6. If wood, porches are to be painted or PVC.
- 7. Porch roofs may be steel standing seam. Roofs should be hipped with a pitch between 4:12 and 6:12.
- 8. Two-story porches are permitted.

- 9. Terraces of single-family attached dwellings may be of concrete, brick, slate, or flagstone. Terraces adjoining a street may have a low wall constructed of precast concrete, brick, or evergreen plantings.
- 10. Terraces of single-family attached dwellings are only permitted in the rear and side yards and only if they are screened when visible from the street.

J. Landscape Elements

Street Trees

- 1. Street trees and ornamental trees shall be planted per the approved Landscape Plan.
- 2. Ornamental and evergreen trees shall be used at gateways and at property edges.
- 3. Street trees shall be of the same species for the length of the street.
- 4. A variety of street trees shall be used in and assigned to the various streets.
- 5. Street trees species shall be of a species that is tolerant of urban pollution and free of disease.
- 6. Street tree spacing shall be as shown on the approved Landscape Plan.
- 7. Street tree locations shall be coordinated with the street lighting.

Community Street and Site Furniture

- 1. Street furnishings shall be of wood or metal with powder coating painting
- Street furniture shall be placed at strategic locations such as bus stops, .public plazas or greens, tot lots, recreation areas and high pedestrian traffic areas.
- 3. A language and style shall be developed for all street furniture elements and shall be coordinated through the neighborhoods.

Lighting

- 1. Side walks, exterior areas, public spaces, alleys and roads shall be illuminated to ensure safety and improve visibility.
- 2. Poles and luminaries shall be in scale/proportion and provide the foot-candles appropriate to their intended location and use.
- 3. Light fixture style and design shall be coordinated to ensure compatibility with street furnishings and the overall design theme of the community.
- 4. Lighting in alleys will have fixtures with photocells.

Landscaping and Buffering

- 1. HVAC equipment shall be located in areas away from the public view or buffered by the use of landscaping or walls
- 2. Public spaces shall be planted to provide for seasonal interest, create spaces resulting in an aesthetically pleasing environment
- 3. Buffering of other uses and neighboring communities shall be achieved with the use of evergreen and ornamental planting along with masses of shrubs

K. Parking, Loading, and Circulation

- 1. The parking for the site has been carefully studied and shaped to conform to zoning and needs of future residents.
- 2. Most parking has been located to minimize its impact to the community and surrounding areas.
- 3. The parking strategy serving the majority of the single family attached dwelling types consists of the creation of garages in the rear of the houses.

- 4. The interior of the site will be adequately marked by signage for pedestrian and vehicular use.
- 5. Circulation patterns have been designed to facilitate both ease of traffic flow and pedestrian safety.

L. Lead Walks and Driveways

Front Yard Lead Walks

- 1. Lead walks will be built flush with the ground with a maximum grade of 3%.
- Lead walks will match the material of the front steps or stoop of the main building or the
 adjacent sidewalk, and are to be made of brick, flagstone, stone, slate, or concrete.
 Asphalt lead walks are not permitted.
- 3. Lead walks and lead walks with steps will have a 4' foot minimum width.
- 4. There will be a maximum slope of 3:1 between sidewalk and front yard. A retaining wall no more than two feet high may be constructed on two sides of the 3:1 surface.
- 5. A maximum of two sets of steps will be used to accommodate the change of grade in the front yard. The steps will be at the foot of the sidewalk and at the front of the house, and both sets will have constant tread width. The use of single steps or multiple groupings of one or two steps are not permitted.
- 6. Handrails for steps should match the railings of the front porch or stoop.
- 7. All exterior stairs leading from sidewalk to building must be made of brick, stone, or concrete.

Driveways and Parking

1. Driveways will be constructed of either concrete or asphalt.

2. Tandem spaces serving end units will be softened from the streets through landscaping and/or fencing between drives. This may be done through any combination of walls, fences, or hedge plantings so long as the softening is a minimum height of forty-eight inches. Any landscape materials used for screening will be predominantly evergreen.

Front Yard Grading

1. There shall be a maximum grade of 5% from the front building face to the top of the street transition.

M. Lighting

- 1. Lanterns and/or porch lights that are consistent with the architecture of the building may be used.
- 2. All lighting must be of white color (e.g. incandescent, fluorescent, halogen, quartz, or metal halide).
- 3. Security lighting is permitted in rear yards. Lamps should be configured to minimize glare or spillover of light into neighboring properties.

LINOWES AND BLOCHER LLP

ATTORNEYS AT LAW

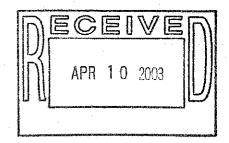
1010 Wayne Avenue, Tenth Floor Silver Spring, MD 20910-5600 301.588.8580 Fax 301.495.9044 Website: www.linowes-law.com

April 10, 2003

Todd D. Brown 301.650.7113 tdb@linowes-law.com

By Hand Delivery

Mr. Sidney Katz, Mayor and Members of the City Council City of Gaithersburg 31 South Summit Avenue Gaithersburg, Maryland 20877-2098



Re: Hidden Creek Land Bay III - Supplemental Road Code Waiver Request

Dear Mayor Katz and Members of the City Council:

On behalf of the Applicants, this letter supplements the pending road code waiver request for Land Bay III of the Hidden Creek development. Please consider this supplemental information, along with the previously submitted material, at your April 22, 2003 meeting.

Based on continued discussions between the Applicants and City Staff, a need has been identified to widen the proposed minimum 20-foot paving width to 26-feet in the area of the 50-foot centerline radius proposed at several locations within the project as shown on the Waiver Request Plan submitted as a part of the SDP application. Specifically, by widening the roadway paving width from 20 feet to 26 feet, the Applicants will provide sufficient paving width to safely accommodate larger vehicles on the roadway in the vicinity of the 50-foot centerline radius. Vehicles traveling in the opposite direction will now have sufficient room to move around larger vehicles that might be encountered at curves along the roadway. The Mayor and Council approved this same configuration for Hidden Creek Land Bay I.

In addition, this letter requests a waiver of the City's standard 34-foot street section to allow a short segment of roadway to be built as an 18-foot paved section with parallel parking on one side to serve one-way traffic only. The one-way road segment is located next to the existing parking area serving the adjacent shopping center. The parking area is located within an easement on the Hidden Creek property and therefore cannot be removed at this time. A diagram illustrating the proposed section (identified on the SDP as Alley GG) is enclosed. As shown on the enclosed diagram, the proposed street section also includes two 6-foot wide planting strips, street trees on both sides, and a 5-foot wide sidewalk in front of the units.

The Applicants and Staff have agreed that the one-way road segment should be dedicated as a public street as shown on the Schematic Development Plan. The Applicants have further agreed that prior to issuance of building permits within Land Bay III, the Applicants will enter



Mr. Sidney Katz, Mayor April 10, 2003 Page 2

into and record an agreement with the City to dedicate, design and escrow funds or other security for the full construction of the one-way road to the City's standard 34-foot section for two-way traffic. This construction would be done by others using the escrowed funds when the parking easement is released.

Thank you for your consideration of this supplemental request. If additional information is required prior to the Mayor and Council's meeting on April 22, please contact us.

Sincerely,

LINOWES AND BLOCHER LLP

Barbara, A. Sears

Todd D. Brown

BAS/TDB:bta

Enclosures

cc:

Mr. David Humpton

Mr. Fred Felton

Ms. Trudy Schwarz

Mr. Jim Arnoult

Mr. Ollie Mumpower

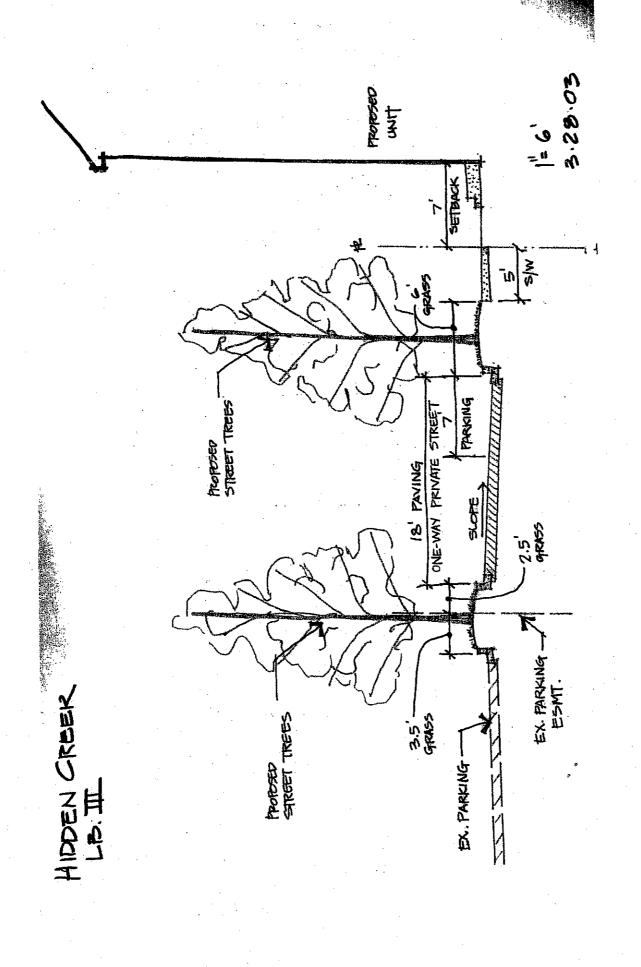
Mr. Bob Larkin

Mr. Marty Mankowski

Mr. Steve Sandler

Mr. Richard Braver

Mr. Tom Hudson



Hidden Creek Design Regulations

A. General

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These Design Guidelines may be modified by the Applicant(s) from time to time, subject to review and approval or denial of the City Manager within fifteen (15) days of the submittal to the City Manager.

B. Green Areas and Open Space



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- All green areas will be well defined and appropriate to the surrounding areas by the 1. Final Site Plan or any amendments there after.
- A variety of open space areas are proposed to create both urban and natural amenities.
- The open spaces will contain the appropriate landscaping and hardscape features such as benches, light fixtures, or play equipment as shown on the Final Site Plan or any all ifficer is in 1800 and the class

Building Siting and Setbacks

E transministrati

- Front of buildings should be sited close to and face the primary street edge. However, zero lot lines are permitted where appropriate.
- The primary entrance to a building should be clearly visible from the street, and should front the primary street.
- A range for a front build-to line from the street edge (or the R.O.W.) should be determined depending on the type of amenities, easements, and activities anticipated along the street.
- Minimum building sideyard setbacks should be provided based on the use, height, and orientation of the building as follows:

SIDE YARD SETBACK	
Single-Family Detached	5-Ft. Side yard setback for foundation wall; no portion of the structure shall be closer than 3 ft. from the property line
Single-Family Attached Townhouses, 2-over-2 Units	Interior Walls Interior Walls zero lot lines, except for end units which will have a 5-ft. side yard (no portion of the will extend into the side yard)
	Exterior Side Walls 5 ft.

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- 5. [add paragraph addressing end unit TH or corner lot single family and treating side elevation fronting secondary street as 'front façade'
- 6. Transformers, CATV and Telephone distribution, etc. to be located in rear yards only.

D. Exterior Walls

What about 50% brick presented at public hearing?

- 1. Exterior walls may be of brick (brick veneer) material, wood siding, masonry siding, vinyl siding, stone (cultured stone), cementitious material, or combinations thereof, at the builder's discretion as set forth herein:
 - a) For single-family detached units, all exterior walls to be of siding, with brick (brick veneer), stone (cultured stone), or a combination thereof, as an option at the builder's discretion. Corner lot units and high visibility lots as designated on the Final Site Plan.
 - b) For Centex Homes' single family attached units, all units to be of full brick (brick veneer) front facades and full brick (brick veneer) side facades for end units. Rear facades to be of brick (brick veneer) or siding, or a combination thereof, at the builder's discretion as approved by the Planning Commission at Final Site Plan or any amendments thereto.
 - c) For the twoover-two condominium units, all exterior walls to be of brick (brick veneer), stone (cultured stone) or siding, or a combination thereof, at the builder's discretion as approved by the Planning Commission at Final Site Plan or any amendments thereto. Each row of units to have brick (brick veneer) cover not less than 25% of the cumulative surface area of the front facades. This will permit front facades of one or more units within each row to be all siding-at

the builder's discretion as approved by the Planning Commission at Final Site Plan or any amendments thereto.

d) For remaining single family attached units, all units to be of full brick (brick veneer) or stone (cultured stone) front facades, or a combination thereof, except for units containing arched areaways fronting streets which will have a brick (brick veneer) or stone (cultured stone) water table with siding above. All side facades to be of brick (brick veneer). Rear facades to be of brick (brick veneer), stone (cultured stone) or siding at the builder's discretion as approved by the Planning Commission at Final Site Plan or any amendments thereto.

There will be a minimum of one endwall feature.

Should be more than one detail

- 3. Foundation walls will be of brick, stone, or concrete pressed with a brick pattern and painted.
- 4. Vertical corner boards for siding elevations or on homes with brick or masonry veneer on the front elevation are to be distinctive in each direction.
- 5. There will be a variety of different colors used on all of the buildings on a single family attached lot.
- 6. No more than two dwelling units of the same elevation with the same color are allowed on any building string.

 What about detached units? Add language.
- 7. There shall be a minimum of three dimensional elements if the front façade consists of only siding (i.e. porch, gable and dormers).

Brick

Add corner lot condition

- 1. The brick may be coursed in common bond, Flemish Bond, herringbone, basketweave, or other decorative bond, or horizontal running bond. Bonding variations are permitted.
- 2. In situations of end-unit single family attached dwellings with a brick front façade only, or with a stone front façade only, the brick (or stone) must run in the side façade unless terminated by a porch or other similar condition.
- 3. A variety of traditional brick colors is encouraged, and painted brick is permitted.

Siding

- The vinyl and beaded siding products permitted are Southern Beaded or Restoration
 Classic 45, Alcola Beaded, Certainteed Beaded or Monogram, Wolverine Technologies
 Co., or equivalent. There will be no aluminum products.
- 2. Siding joints will be caulked, painted, or per manufacturers installation instructions.
- 3. Siding will be arranged to the weather.
- 4. Siding may be lapped or Dutch-lapped. Exterior shingles are encouraged where appropriate.
- 5. There will be a nominal size trim used with siding.
- 6. Add guideline for lap and style of painted cementitious or wood siding.

E. Windows and Doors

Windows

- 1. All exterior elevations are required to have windows.
- 2. The windows must be single, double, or triple-hung.
- 3. Real, snap-in muntins, or grills between glass are permissible.

- 4. The proportion of the windows will be 1:2 or 2:3 if the window is square or rectangular in configuration and vertical in orientation. There may be circular, half round, irregular, or elliptical accent windows. Paired quarter round windows may be used in pairs flanking another architectural feature.
- Window lites are to be square or vertical in proportion and will be in any one of the following proportions: 9 over 1, 6 over 1, 4 over 1, 3 over 1, 2 over 1, 2 over 2, 6 over 6, 4 over 6, or 9 over 9.
 - 6. Windows will be of wood, vinyl-clad wood, metal, vinyl, or extruded aluminum.
 - 7. Windows will not be any closer than two feet to the corners of the building.
 - 8. A nominal size trim is required on all walls constructed of siding surrounding all building openin. Define. Remember, layman has to enforce this.
 - 9. Skylights are to be located only on the backside of the roof ridge or on nearly flat roofs.
 - 10. Gabled ends are permitted to have accent windows.
 - 11. Openings, windows, and window sashes will be rectangular with a vertical or square proportion.
 - 12. Window wells may require landscape screening, depending upon the field conditions.

Shutters

What about after they're gone?

- 1. Shutters may be provided at the builder's discretion.
- 2. Shutters will be wood, vinyl, brushed metal with louvers, or raised panels.
- 3. Shutters will be or appear to be operable and must be of sufficient size to cover the opening if both sides are closed.

- 4. Shutter may not be required where two or more windows are placed on a single opening; in these case, other window treatment will be provided.
- Add language for consistency of shutter use.

Doors

- Doors must be made of fiberglass with a wood print veneer, steel, or wood, and must be painted or stained. All doors will have glass, raised panels, or both.
- 2. Storm doors, windows, and screens will be vinyl, aluminum, or painted wood. Storm doors and screen doors are to be free of decorative trim, in full view, and be finished to match either the main door or the trim around them.
- 3. Garage doors must be made of wood, embossed hardwood, steel, fiberglass, or wood veneer. Fenestration is permitted.
- 4. Garage doors will be recessed no less than six inches from the outermost edge of the garage wall.
- 5. Two-car garages with paired double garage doors are permitted, however, single garage doors are desired. If paired garage doors are used, they will be separated by a post a minimum of a significant width.

 Define. Must allow movement of vehicles into garage
- 6. Garage doors open to alleys shall have a photocell light fixture which will be properly maintained by the property owner.

F. Roofs

1. There must be symmetrical and simple roof configurations. There will be a range of 6:12 to 14:12 pitch for single-family attached dwelling all units and 4:12 to 14:12 pitch for luxury apartments. They will be in a gable, gambrel, mansard, or hip arrangement.

- 2. Roof construction materials must be pre-approved architectural grade asphalt shingles, cedar shakes, or steel standing seam metal (green, brown or black in color).
- 3. The colors of the roofs should be black, dark gray, or silver.
- 4. An architectural cornice or similar roof treatment must accompany any flat roof over an entry portico and porch.

 Dimensions.
- 5. A parapet will be used to edge any flat roof when used as an exterior deck and accessed from the interior of the building.
- 6. When used as a secondary roof set against the wall of the main building, shed roofs (roofs which pitch in one direction) are permissible.

 Pitch range? What about for future additions?
- Brackets, spandrels, finials, and other ornamentation are permitted.

Gutters

1. Gutters will be constructed of aluminum.

What about other materials?

- 2. Gutters must match the color of the main building or the color of the trim.
- 3. All gutters on the front elevation of single family attached dwellings must be set against a trim that is a minimum of 4" 6" wider than the gutter itself. Rear gutters will have a minimum of 2" 4" wider than the gutter itself.

G. Building Elements - Single Family Attached

- 1. Piers and columns must be of pre-cast concrete, brick, or simulated wood.
- 2. Arches will have a distinctive thickness (on both the inside and outside surfaces) and width. All keystones will have sides radial to the arch.

 Width?

Give minimum

All units?

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- 3. A minimum width of 6" inches must be maintained for all piers and columns.
- 4. All columns and piers made of simulated wood or wood must be painted to match the trim of the main building. What about vinyl clad?
- 5. The appearance of one whole column may be achieved through the use of multiple columns.

H. Fencing Along Streets and Front Yards

- 1. Fencing may be wood picket, wood lattice, wood board, wrought iron, or metal picket.
- 2. All gates will be of designs and materials to match adjoining fences. Gate hardware should be rust resistant and have a metal finish that is bronze, brass, or black. Gates are to swing into the property as opposed to into the sidewalk.
- 3. All fencing must have finished fence post tops or caps.
- 4. Wood or metal picket fences for front yards and/or along streets should range between

 32" and 42" be no more that 36" in height and shall have open construction.

 This is per
 City code
- 5. Terminal posts (corners, openings, ends, etc.) will be thicker and than typical posts.
- 6. Any side yards along side streets and/or public walkways will have the same fencing as front yards, or may have screen fencing up to a 42" height shall be no more than 36" in height and shall have open construction.
- 7. Rear yard fencing may consist of wood picket, wood lattice, wood board, wrought iron, or metal picket, and screen fencing as well. This fencing is to be a minimum of 42" 36" in height and a maximum of 6' in height. . [already in #10 below]
- 8. Screen fencing will be of wood and board against board construction.

- 9. A stepped or sloped fencing pattern may be used on small slopes. Equal increments are to be used along a consistent slope. Whenever possible, fences shall be stepped in at least two section increments. On large slopes only a sloped frame will be used to run along the slope.
- 10. Vinyl/plastic fencing, chain-link fencing, and paneled materials are not permitted.
- 11. Multi-family perimeter fencing is permitted and shall be masonry, metal grill, or combination of both. All fencing shall be placed inside the property line.
- 12. Fences cannot be built on any easement.

Front Yard Fencing - Metal

- 1. Metal fences may be placed on top of a low stone or brick wall. The entire fence structure is not to exceed 42", unless noted on the site plan.
- 2. Picket spacing may be no more than 4" apart.
- 3. Any field welding will be ground smooth and clean before painting.

Gates

- 1. Gate will not exceed fifty-four inches (54") in height heights should be consistent with fence height as regulated under "Fences."
- 2. Picket spacing may be no more than 4" apart.

Walls

Retaining walls shall be brick or stone at all front yards and side yards fencing a street, sidewalk or alley. Retaining walls not visible from nearby streets, alleys or sidewalks may be of brick, stone, concrete or wood. Retaining walls constructed of wood shall be no higher than 3 feet.

The height of hedges shall comply with the height of fence.

I. Decks, Porches, and Terraces

- 1. All decks and terraces of single-family attached dwellings are to be located in the rear yard only. Balconies are permitted on any façade, as part of the architecture approved by the Final Site Plan or amendments thereafter.
- Decks and porches must comply with 5-foot setbacks as stated in "Building Siting and Setbacks."
- 3. Underside of decks screened with painted lattice if less than 6'-0" (?) above grade
- 4. Decks may shall be made of pressure-treated wood. Composite wood ("Trex" or equal) may be used for walking surfaces.
- 5. The coloring of rails and caps of decks are to be white (painted or vinyl).
- 6. Decks should be of a scale and style that is complimentary to the home.
- 7. Decks on any single family attached dwelling may have privacy screens, and they will be designed as an integral part of the deck.

 Note configuration and height.
- 8. If wood, porches are to be painted or PVC.
- 9. Porch roofs may be steel standing seam. Roofs should be hipped with a pitch between 4:12 and 6:12.
- 10. Two-story porches are permitted, as approved by the architectural elevation by the Planning Commission at Final Site Plan or any amendment thereafter.

- 11. Terraces of single-family attached dwellings may be of concrete, brick, slate, or flagstone. Terraces adjoining a street may have a low wall constructed of precast concrete, brick, or evergreen plantings.
- 12. Terraces of single-family attached dwellings are only permitted in the rear and side yards and only if they are screened when visible from the street.

一是"重量的重要"。 医马克克氏

Terraces are not permitted to block dramage swales.

J. Landscape Elements

Street Trees

- Street trees and ornamental trees shall be planted per the approved Landscape Plan.
- Ornamental and evergreen trees shall be used at gateways and at property edges, as approved by the Planning Commission on Final Site Plan or amendments thereafter.
- Street trees shall be of the same species for the length of the street.
 - A variety of street trees shall be used in and assigned to the various streets.
- 3. Street Trees species shall be of a species that is tolerant of urban pollution and free of disease.
- Street and ornamental tree types spacing shall be as shown on the approved Final Site
 Plan landscape plan or amendments thereafter.
- 5. Street tree locations shall be coordinated with the street lighting.

Community Street and Site Furniture

What about the recycled materials?

1. Street furnishings shall be of wood or metal with powder coating painting

- Street furniture shall be placed at strategic locations such as bus stops, public plazas or greens, tot lots, recreation areas and high pedestrian traffic areas, as shown on the approved Final Site Plan landscape plan or amendments thereafter.
- 3. A language and style shall be developed for all street furniture elements and shall be coordinated through the neighborhoods.

Lighting

- 1. Sidewalks, exterior areas, public spaces, alleys and roads shall be illuminated to ensure safety and improve visibility.
- 2. Poles and luminaries shall be in scale/proportion and provide the foot-candles appropriate to their intended location and use, as approved by the Final Site Plan and amendments thereafter.
- 3. Light fixture style and design shall be coordinated to ensure compatibility with street furnishings and the overall design theme of the community.
- 4. Lighting on all units and garages facing the in alleys will have fixtures with photocells and property maintained by the property owner.

Landscaping and Buffering

- 1. HVAC equipment shall be located in areas the rear yards away from the public view or buffered completely screened by the use of landscaping or walls. Is this going to work for townhouses in the alleys?
- 2. Public spaces shall be planted to provide for seasonal interest, to create spaces resulting in an aesthetically pleasing environment
- 3. Buffering of other uses and neighboring communities shall be achieved with the use of evergreen and ornamental planting along with masses of shrubs

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K. Parking, Loading, and Circulation

- 1. The parking for the site has been carefully studied and shaped to conform to zoning and needs of future residents.
- 2. Most parking has been located to minimize its impact to the community and surrounding areas.
- 3. The parking strategy serving the majority of the single family attached dwelling types consists of the creation of garages in the rear of the houses.
- 4. The interior of the site will be adequately marked by signage for pedestrian and vehicular use.
- 5. Circulation patterns have been designed to facilitate both ease of traffic flow and pedestrian safety.

LK. Lead Walks and Driveways

Front Yard Lead Walks

- 1. Lead walks will be built flush with the ground with a maximum grade of 38%.
- Lead walks will match the material of the front steps or stoop of the main building or the adjacent sidewalk, and are to be made of brick, flagstone, stone, slate, or concrete.
 Asphalt lead walks are not permitted.
- 3. Lead walks and lead walks with steps will have a 4-foot minimum width.
- 4. There will be a maximum slope of 3:1 between sidewalk and front yard. A retaining wall no more than two feet high may be constructed on two sides of the 3:1 surface.

 Retaining wall materials to comply with Regulations section on "Fencing Walls!"

- 5. A maximum of two sets of steps will be used to accommodate the change of grade in the front yard. The steps will be at the foot of the sidewalk and at the front of the house, and both sets will have constant tread width. The use of single steps or multiple groupings of one or two steps are not permitted.
- 6. Handrails for steps should match the railings of the front porch or stoop.
- 7. All exterior stairs leading from sidewalk to building must be made of brick, stone, or concrete.

Driveways and Parking

- Driveways will be constructed of either concrete or asphalt, in accordance with crosssections on the approval Final Site Plan and amendments thereafter.
- Driveway and parking shall be a maximum grade of 6%.
- 3. Tandem spaces serving end units will be softened from the streets through landscaping and/or fencing between drives. This may be done through any combination of walls, fences, or hedge plantings so long as the softening is a minimum height of forty-eight inches. Any landscape materials used for screening will be predominantly evergreen.

Front Yard Grading

1. There shall be a maximum grade of 5% from the front building face to the top of the street transition.

ML. Lighting

1. Lanterns and/or porch lights that are consistent with the architecture of the building may be used.

- All lighting must be of white color (e.g. incandescent, fluorescent, halogen, quartz, or 2. metal halide).
- Security lighting is permitted in rear yards. Lamps should be configured to 3. minimize glare or spillover of light into neighboring properties.4. Street lighting shall comply with the approved Final site Plan or amendments thereafter.

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M. Utilities

- 1. All utilities CATV to units shall be installed through the alley and attached to the rear of the building unless approved on the Final Site Plan or amendments thereafter.
- 2. All transformers, cable boxes shall be located in the alleys and screened.

N. Accessory Structures

- Garages shall be located in accordance with the Final Site Plan or amendments
 thereafter.
- 2. Add language re sheds in Single-Family Attached Units |
- 3. [Add language re sheds Single-Family Detached Units.]

O. Mail Boxes

How will this be handled? Gang boxes? Post Office won't deliver door to door.

Discuss Location and materials]

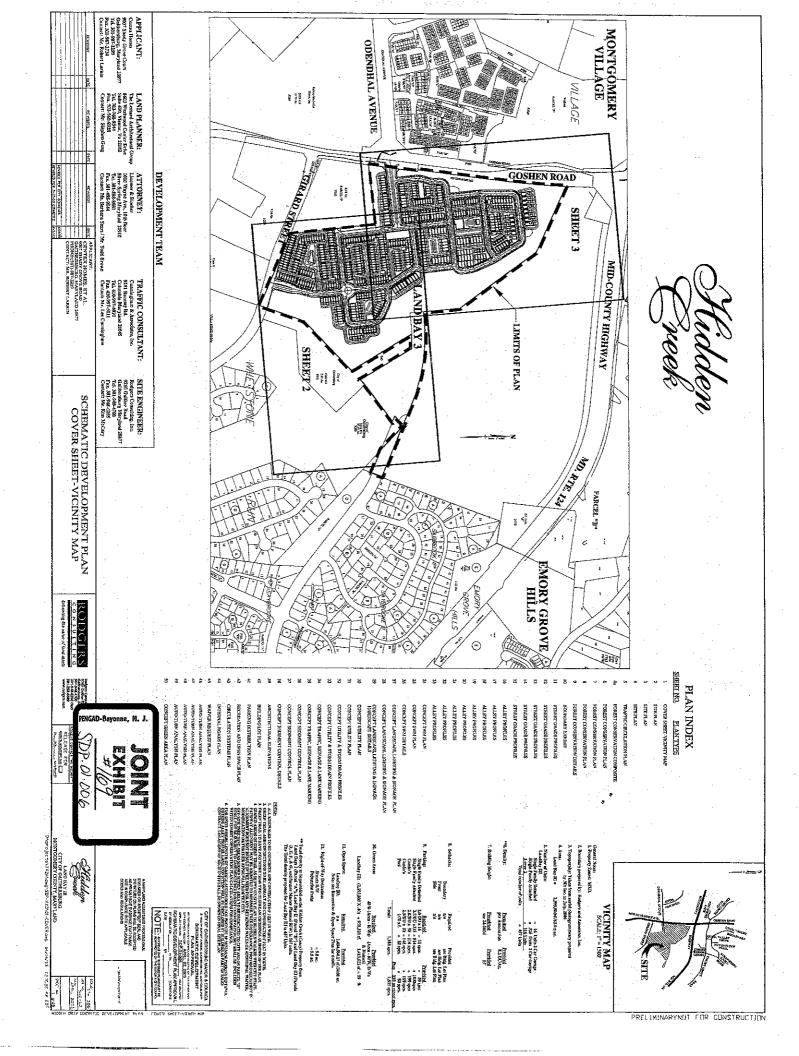
P. Variances from Design Regulations

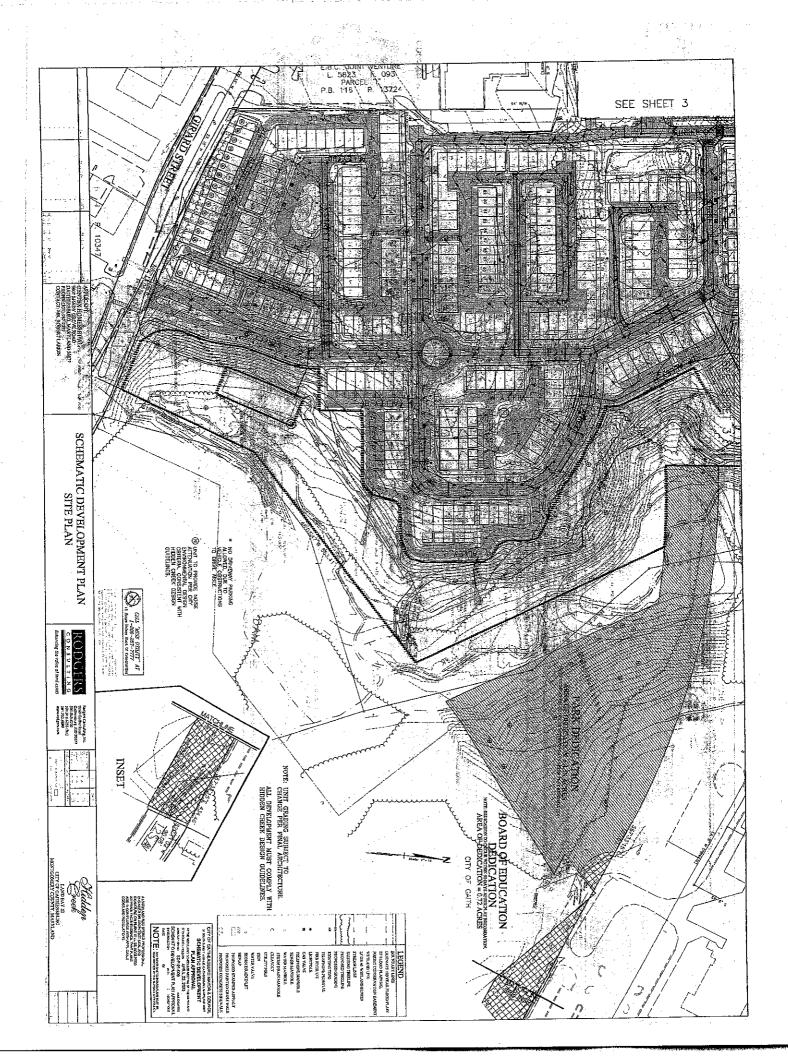
- Variances may be granted by a majority vote of the Homeowners Association
 Architectural Control Committee.
- 2. All variance requests must comply with the City of Gaithersburg Code.
- 3. No variances will be allowed for side yard requirements in Section C.4. of the Regulations.

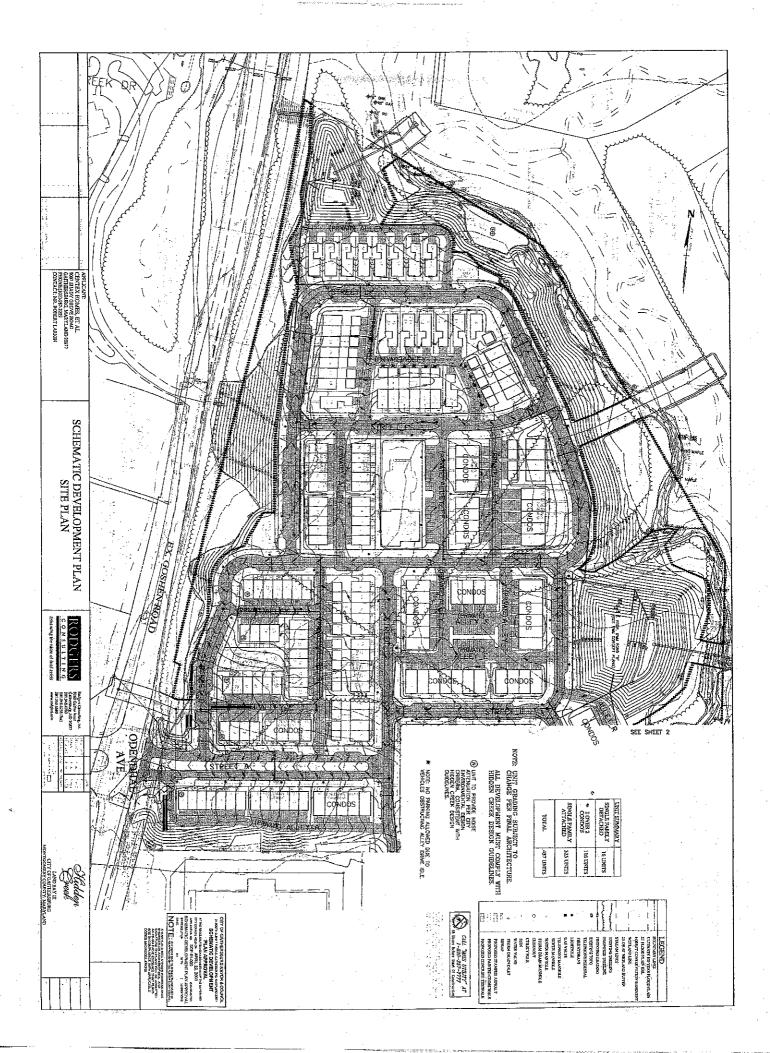
Q. Changes to design regulations

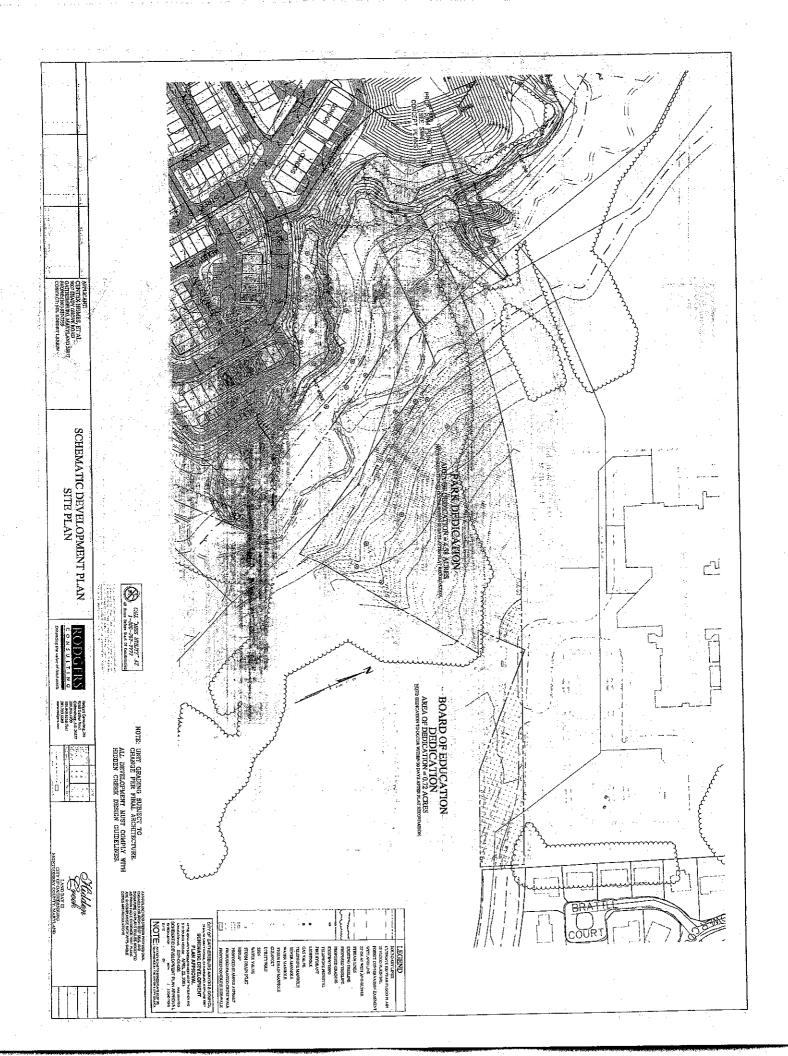
Changes to the Hidden Creek Design Regulations may be granted by a majority vote of the Homeowners Association Architectural Control Committee and by a majority vote

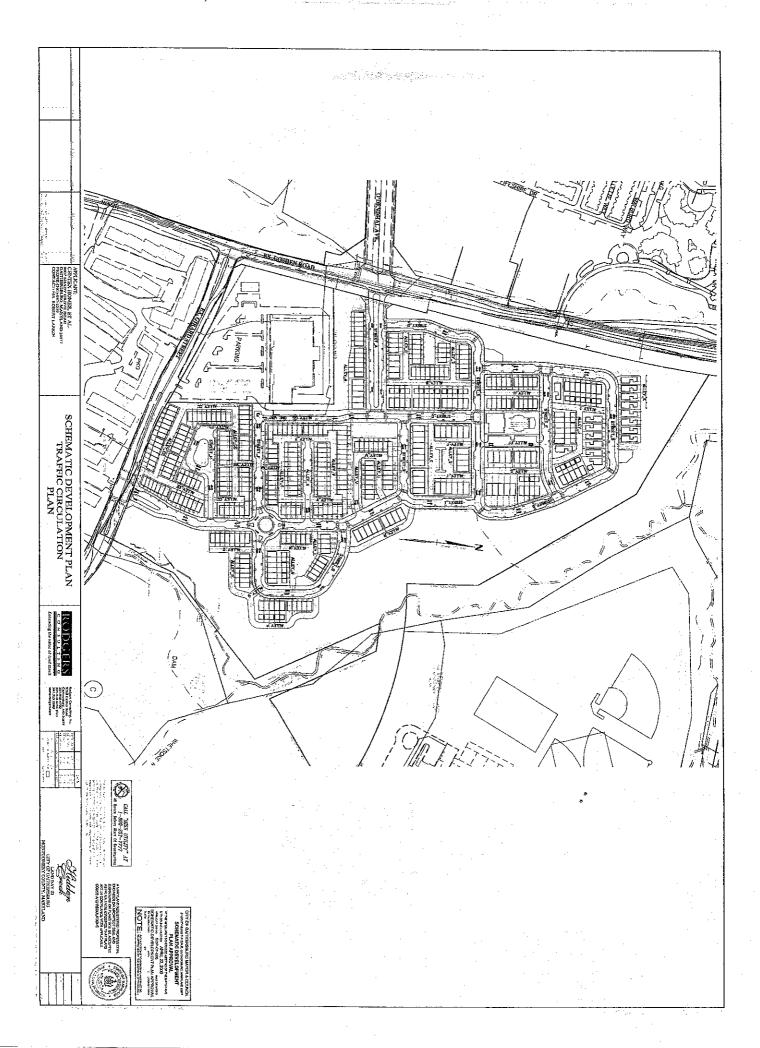
of the Homeowners Association. Proposed changes must be submitted to the City of Gaithersburg (City Manager's Office) by certified mail for the City's review 60 days prior to a scheduled vote of the Homeowners Association. Any approved changes must be submitted to the City of Gaithersburg within 30 days of the final decision by certified mail.

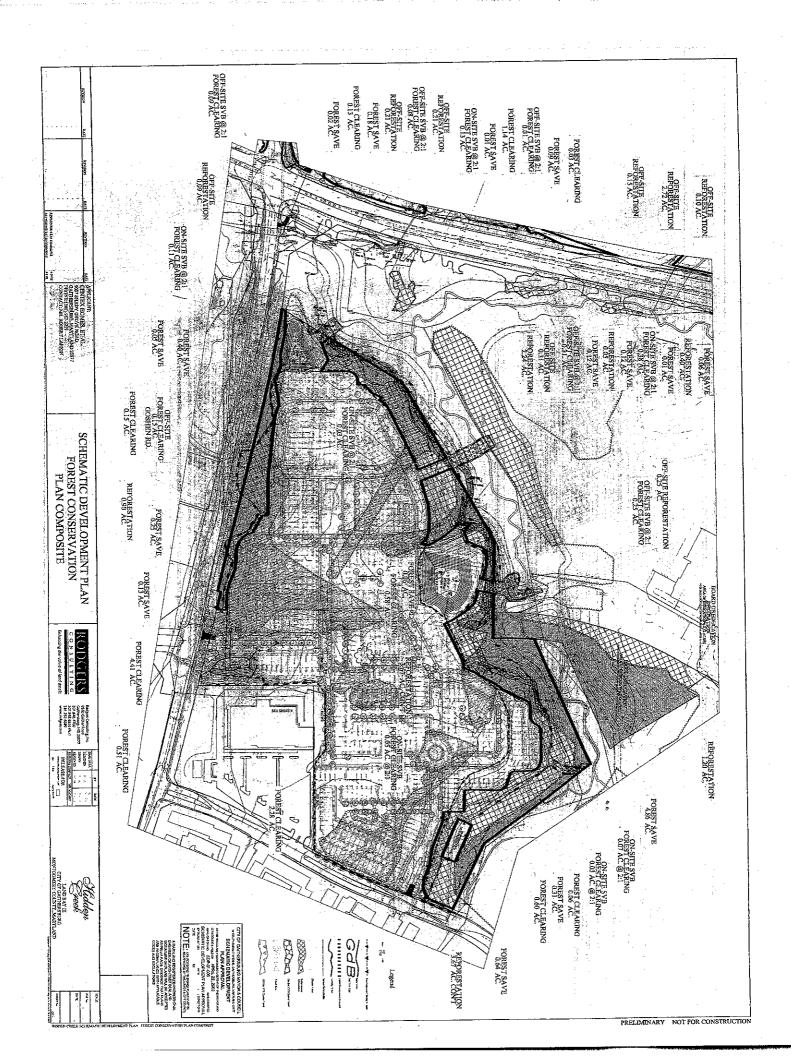


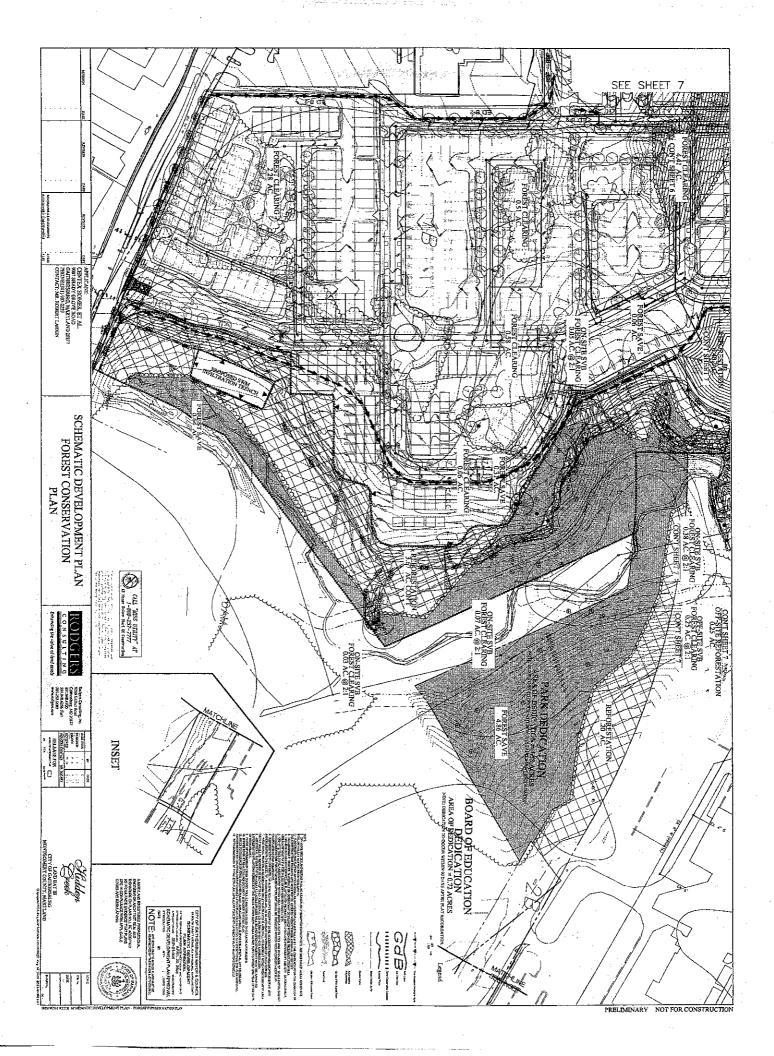


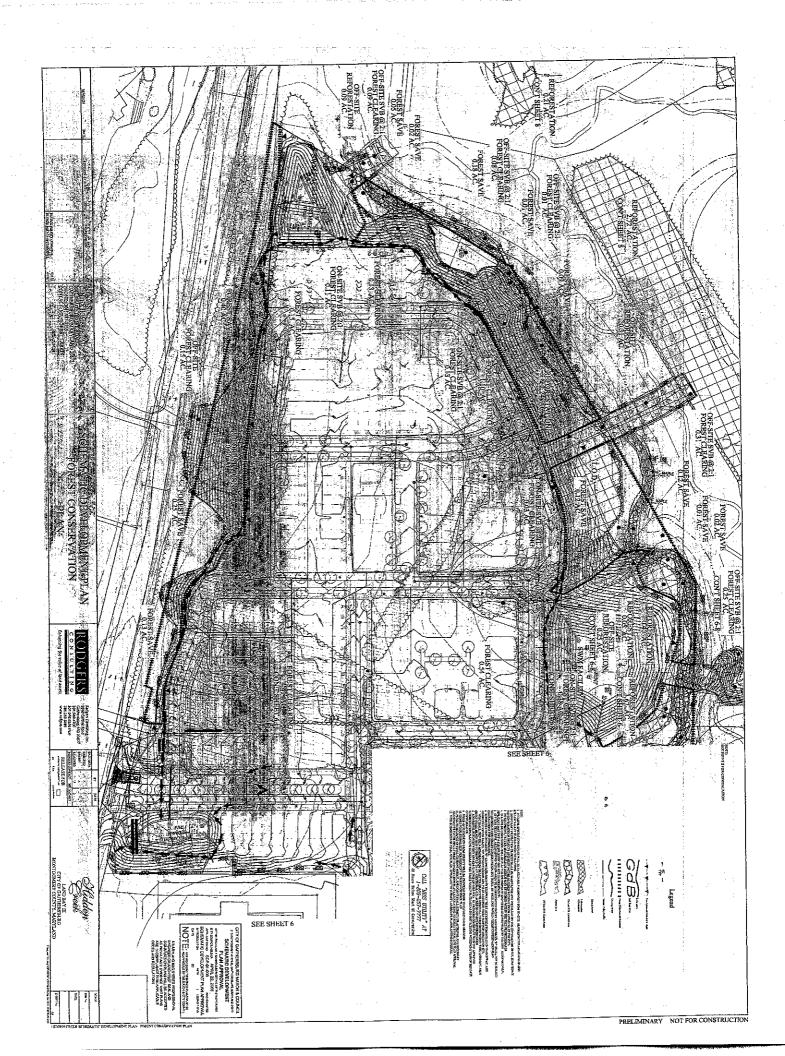


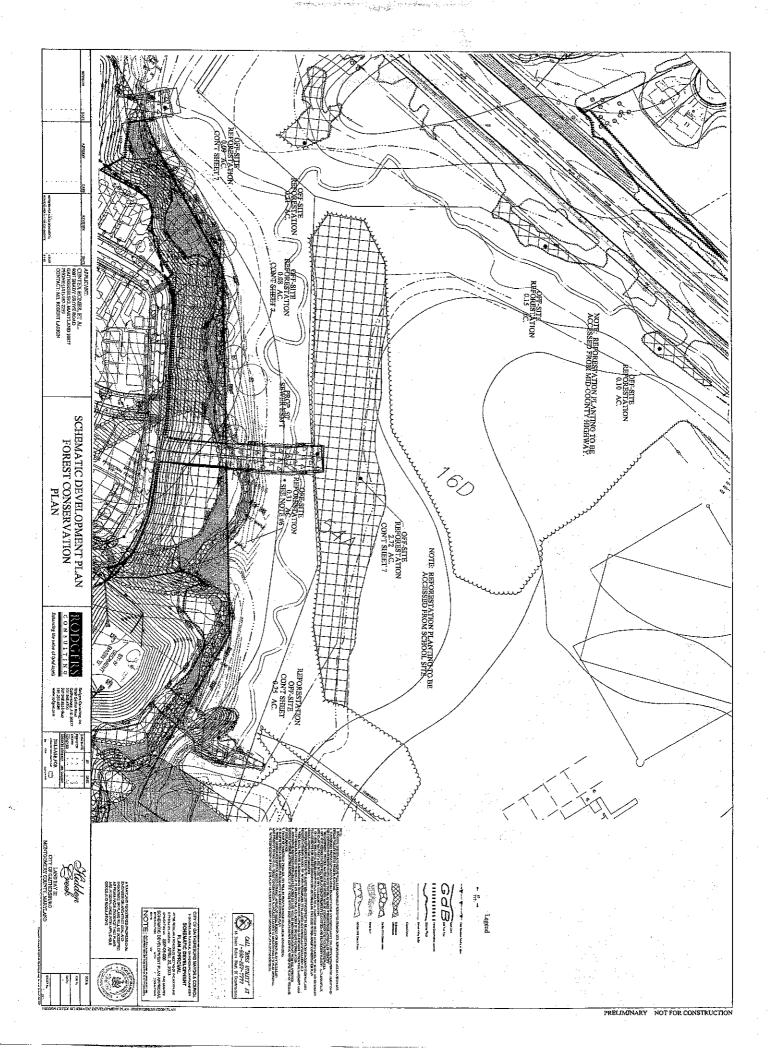




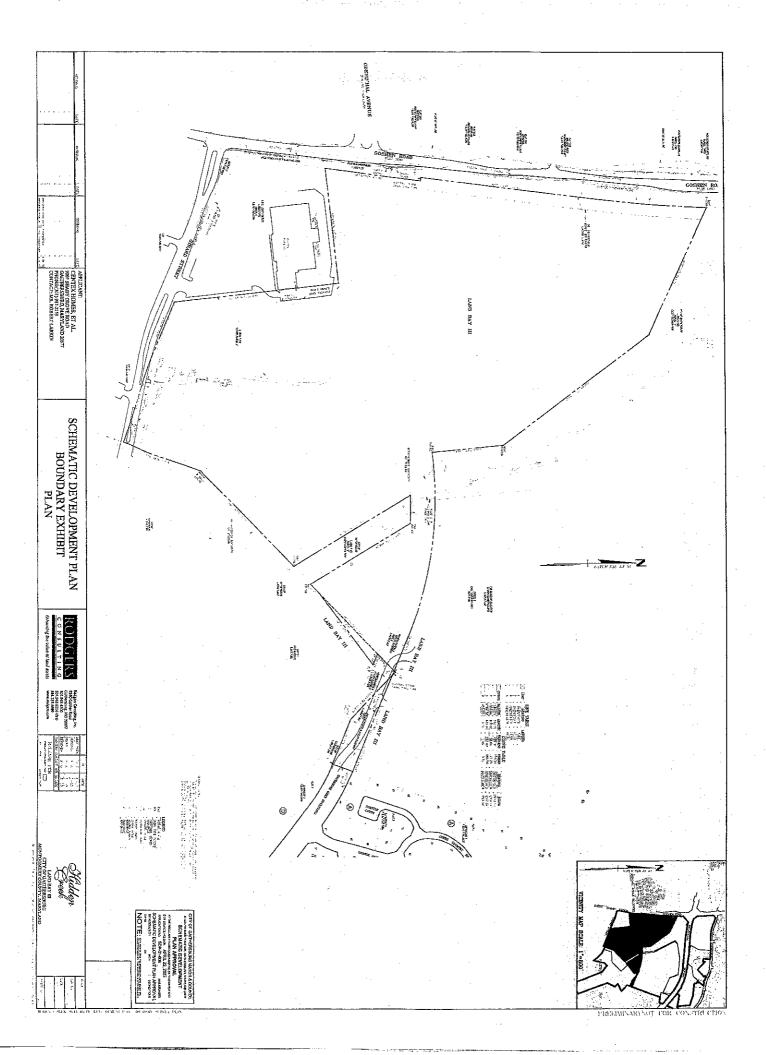


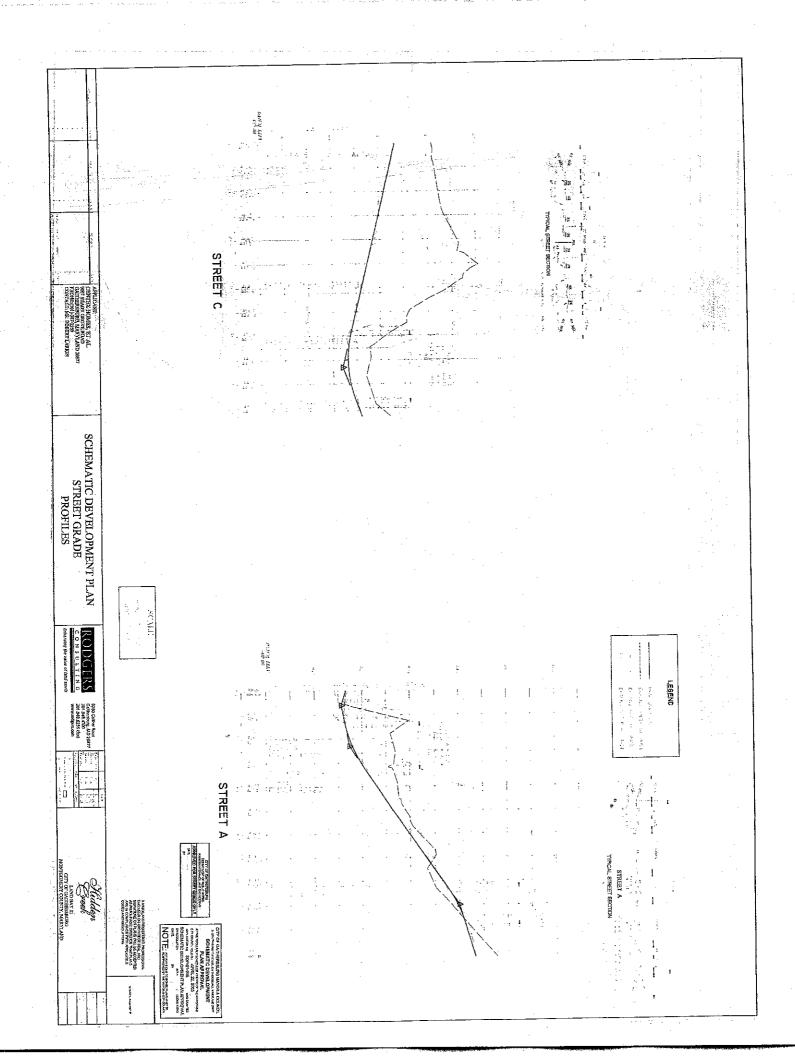


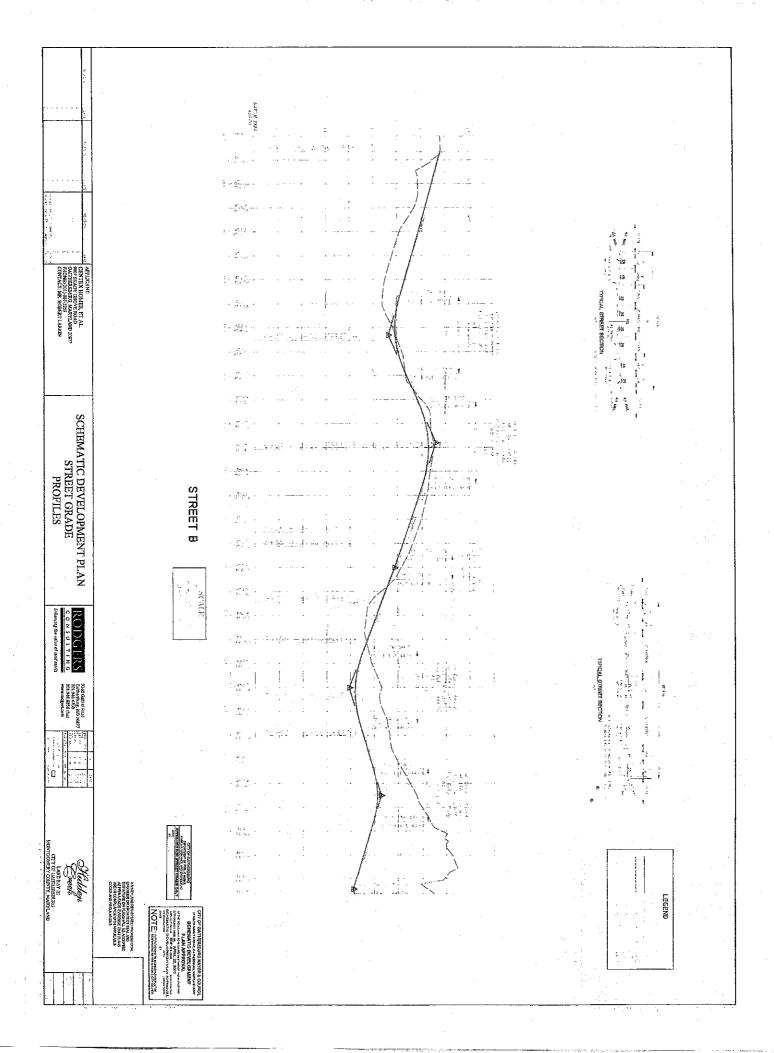


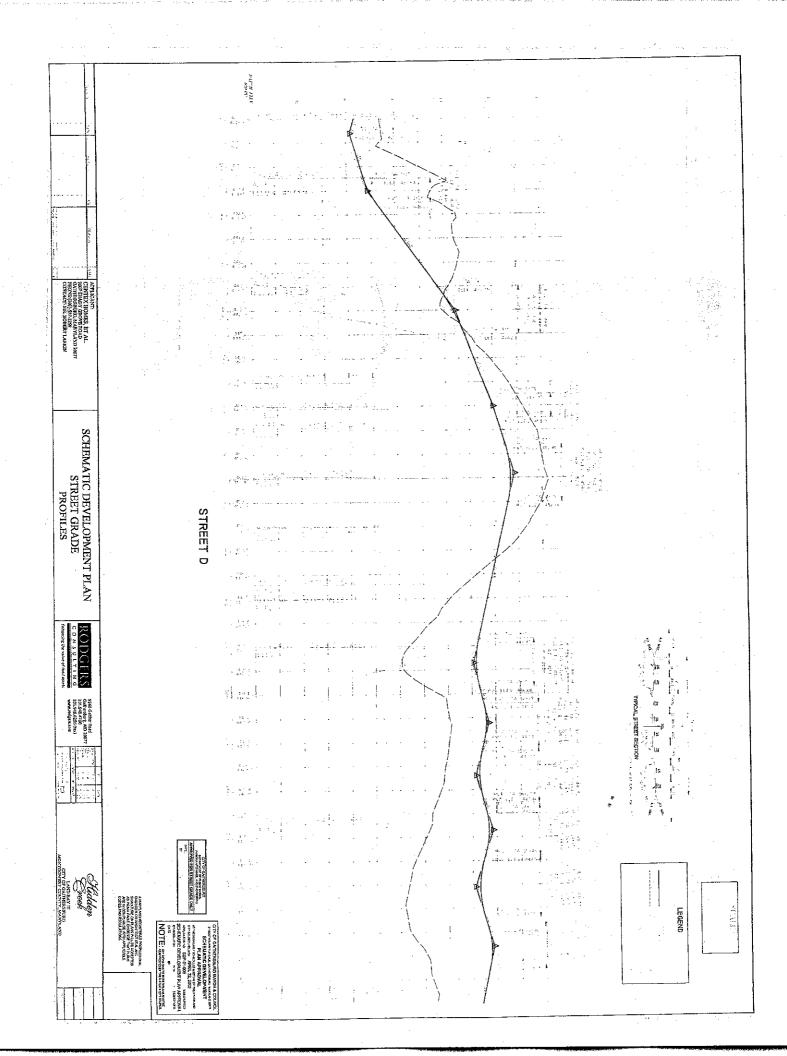


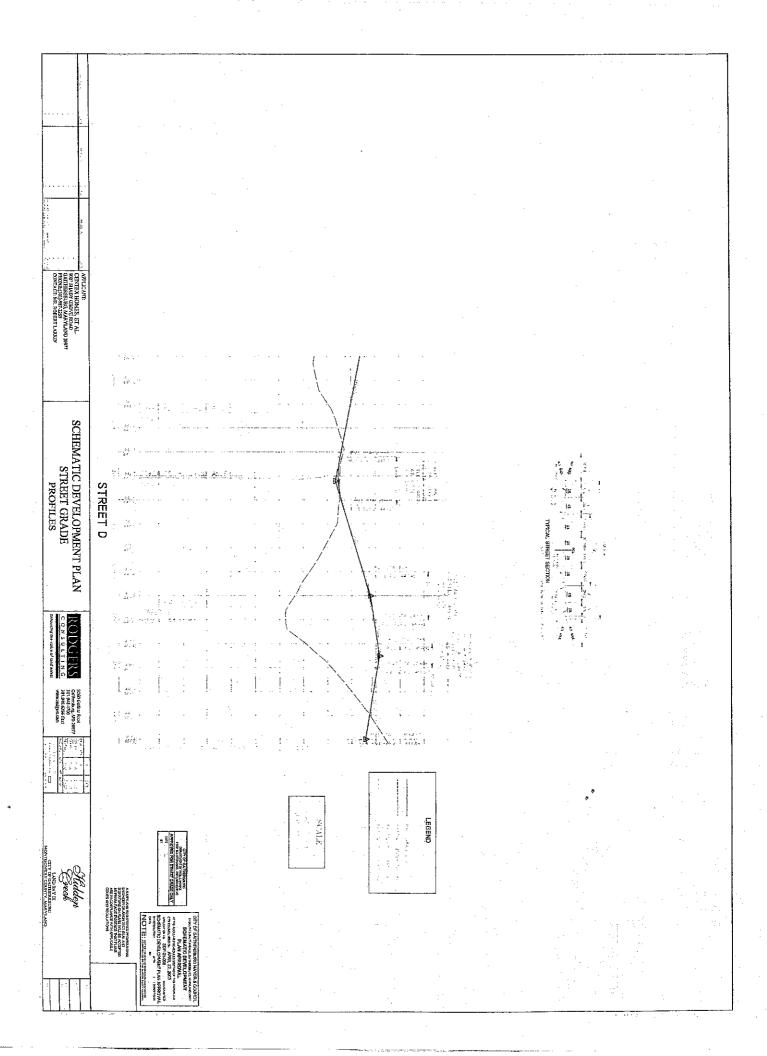
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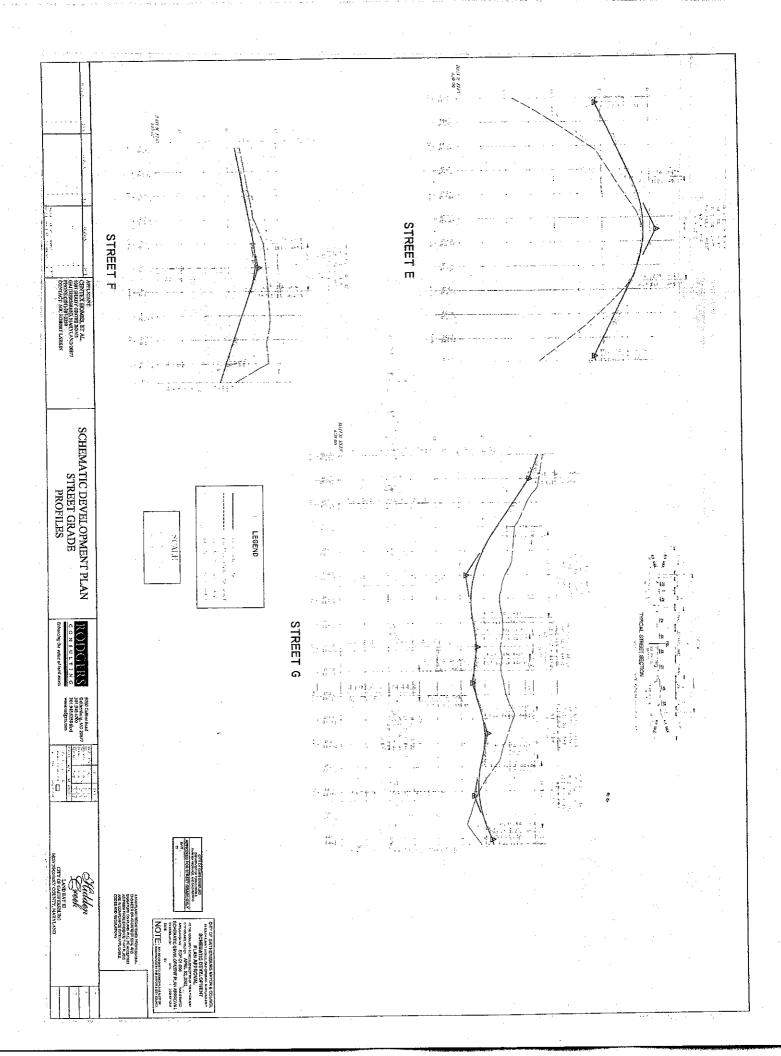


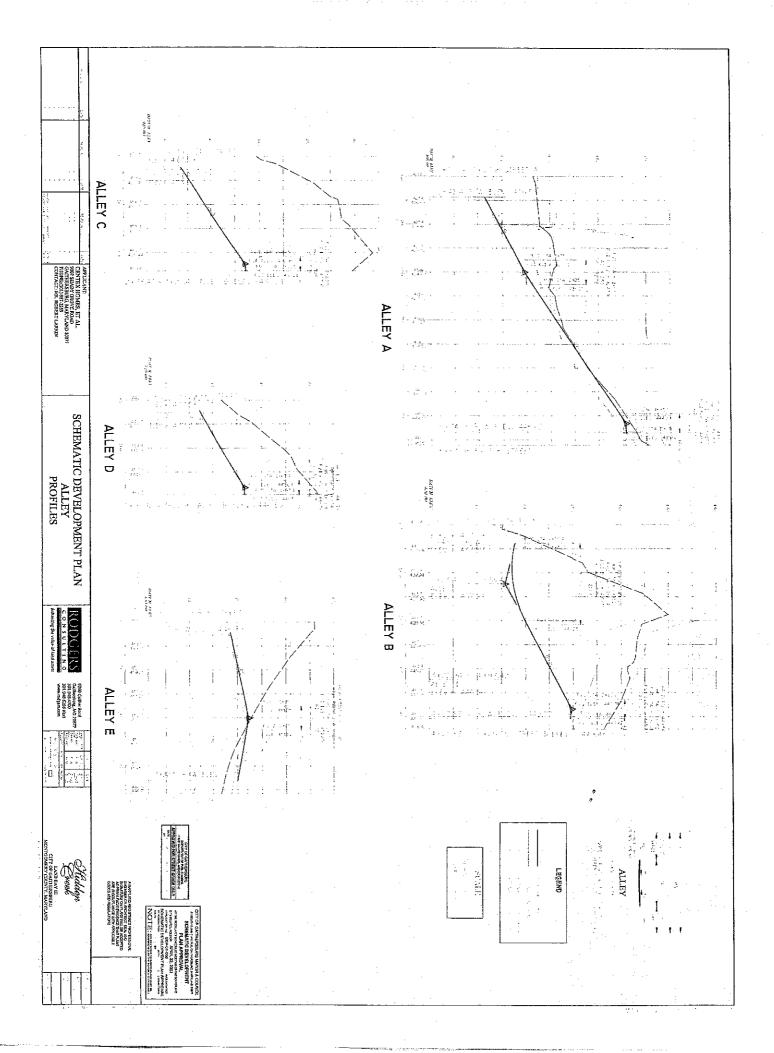


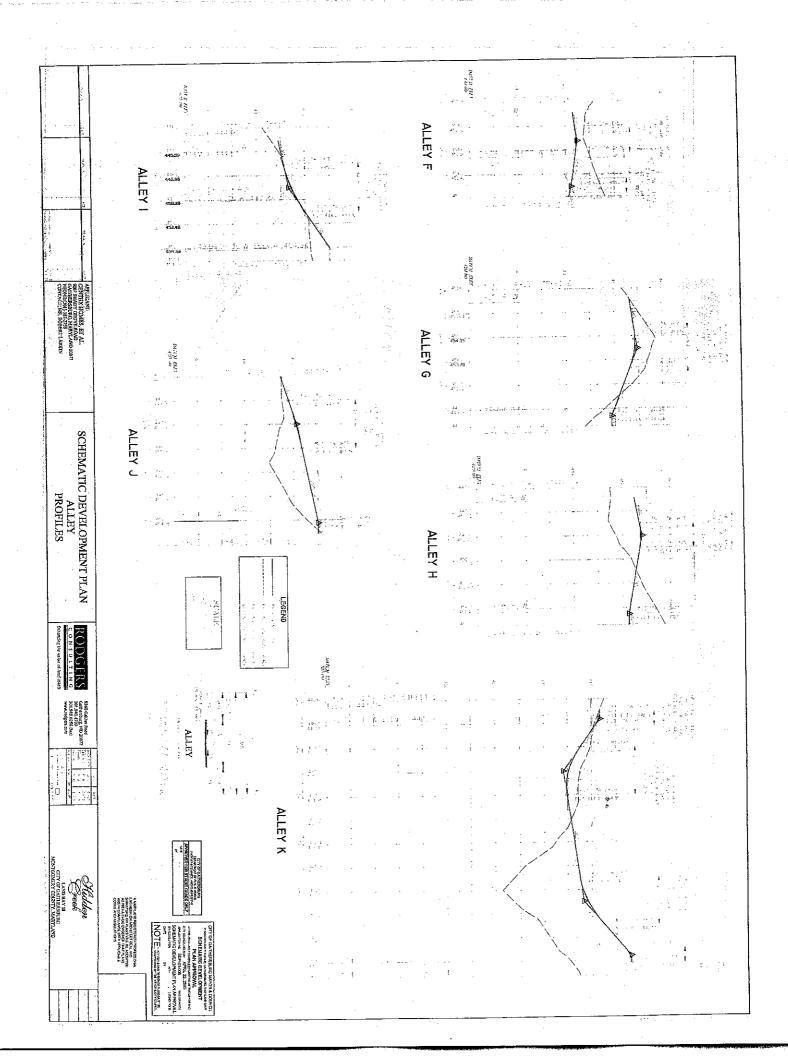


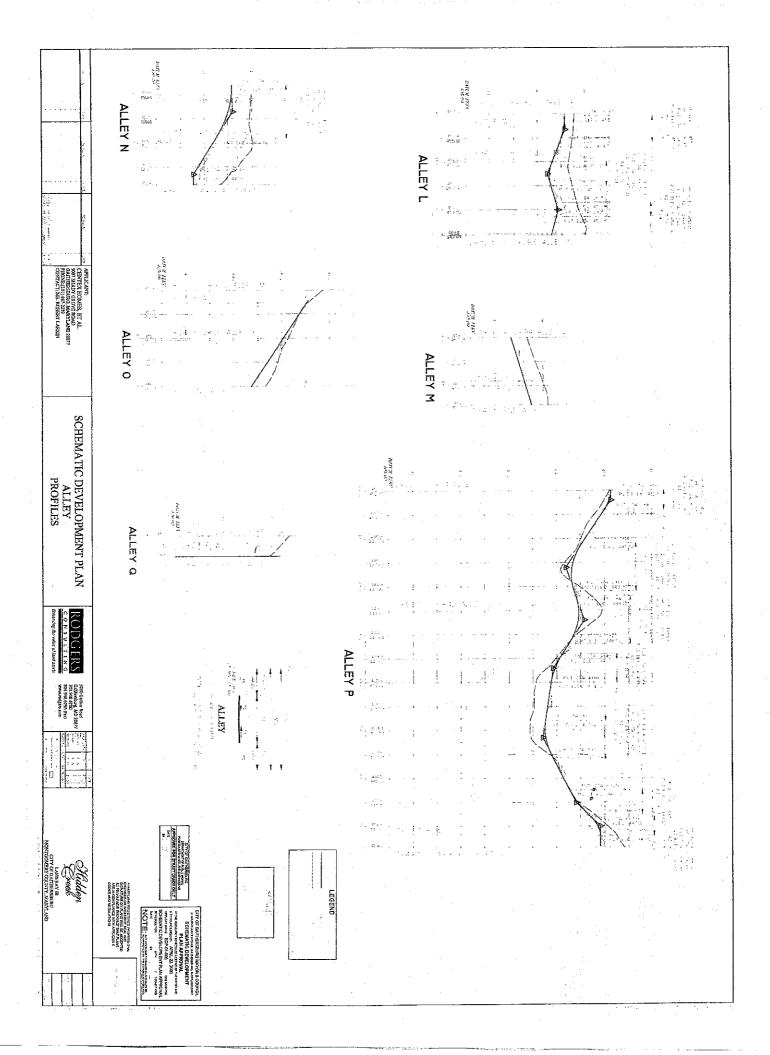


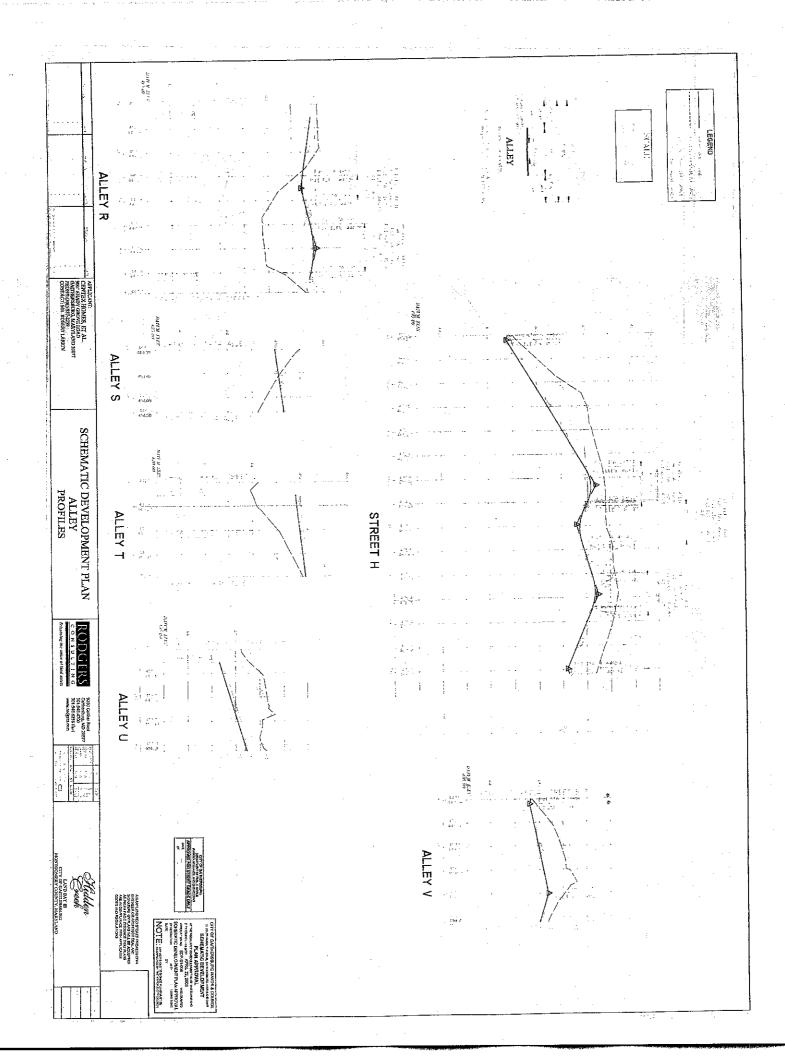


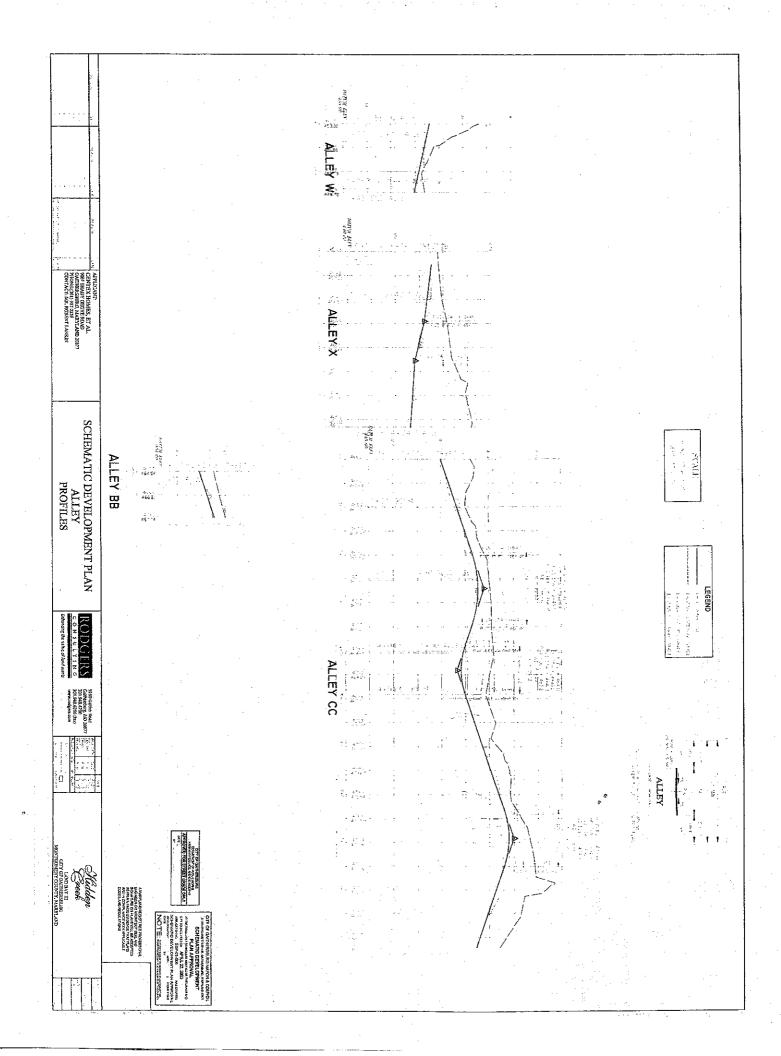


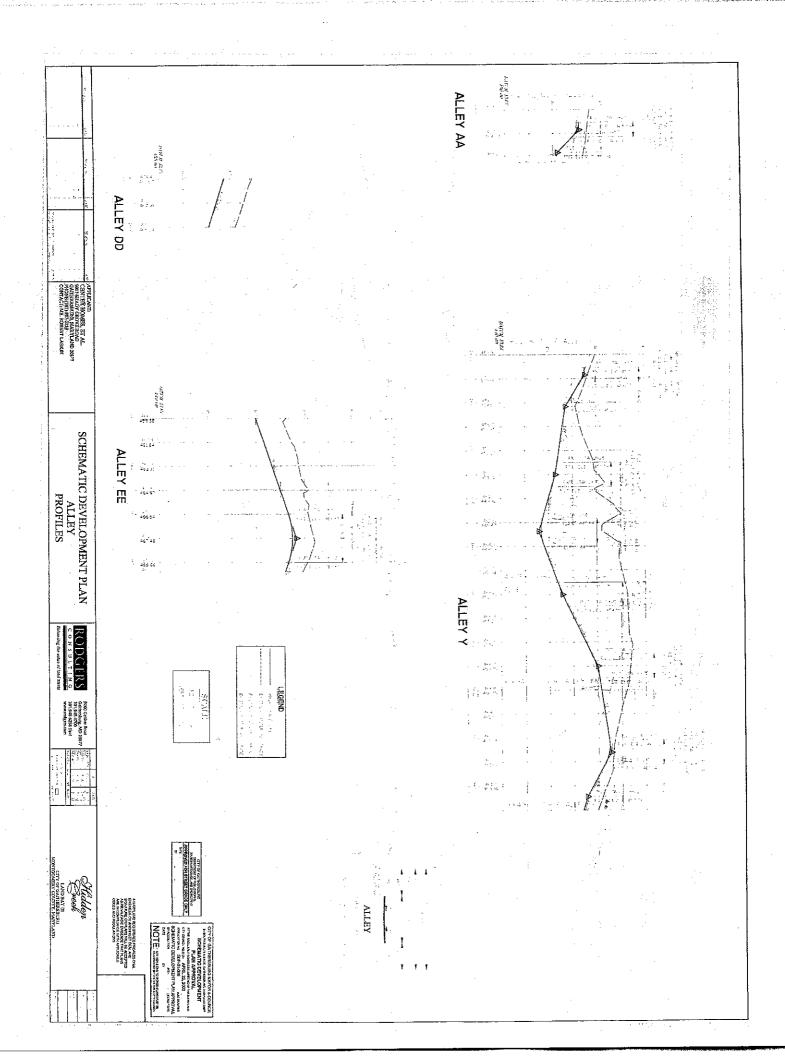


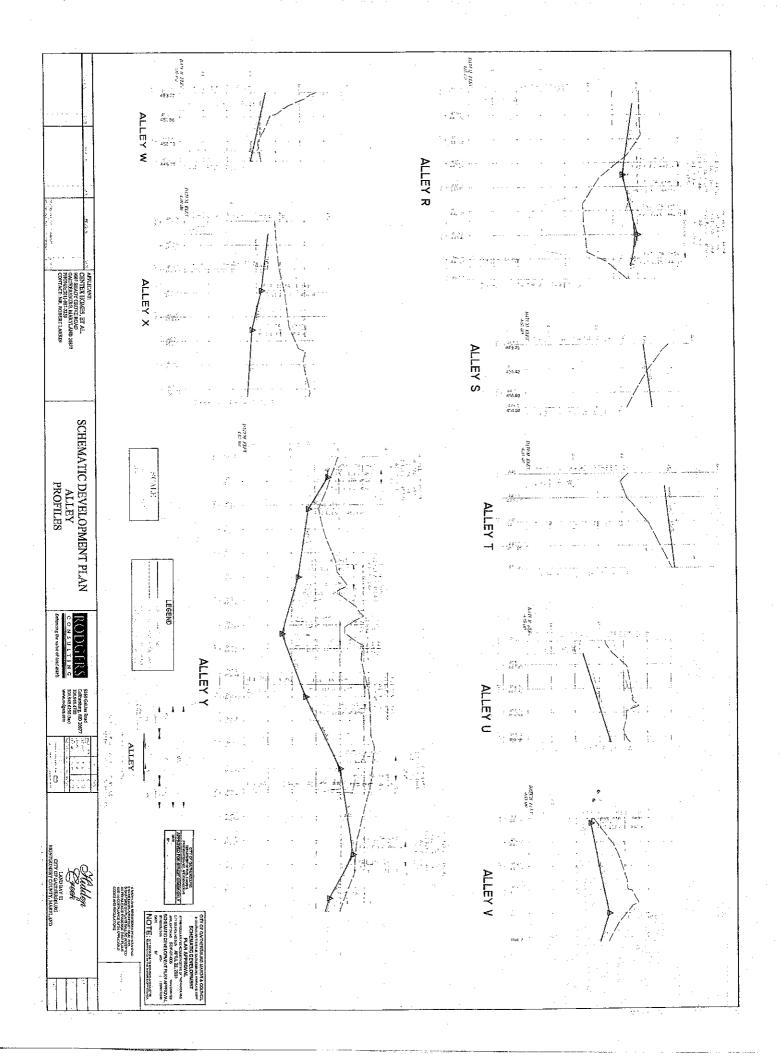


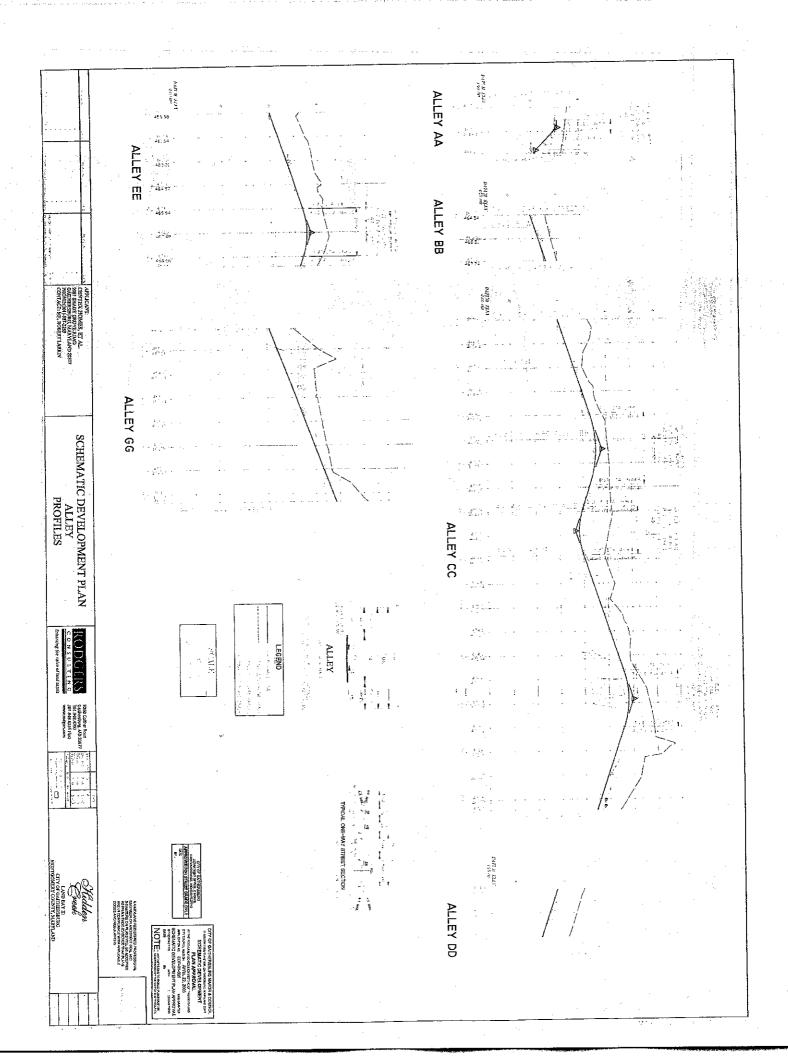


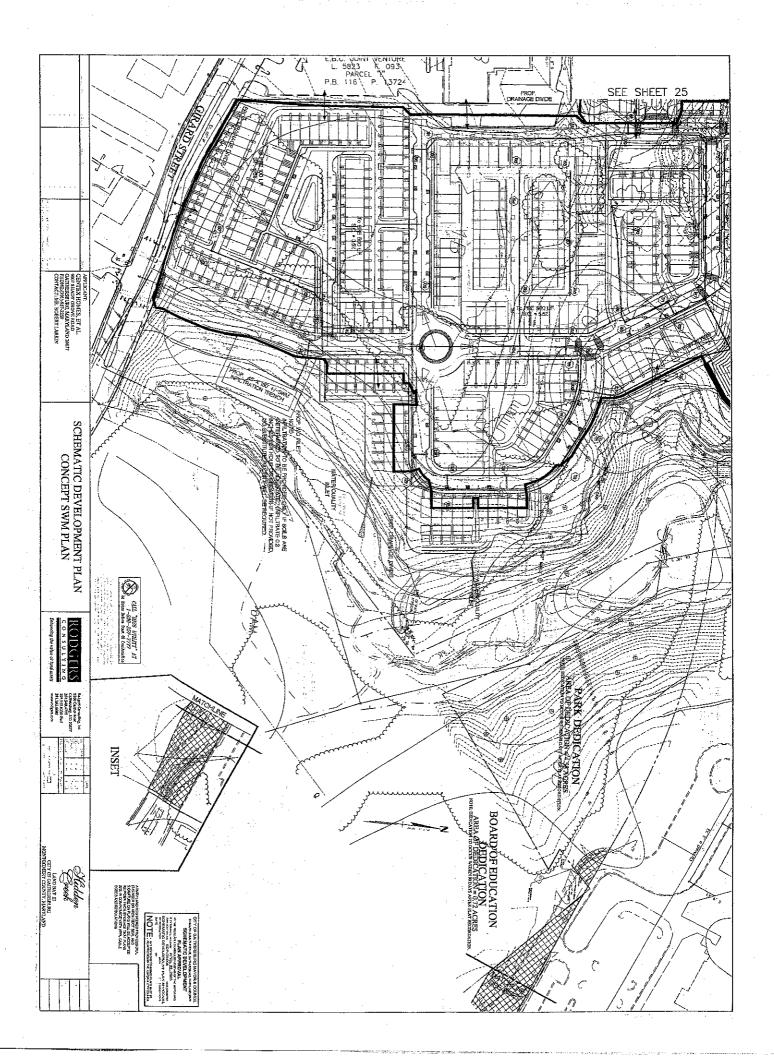


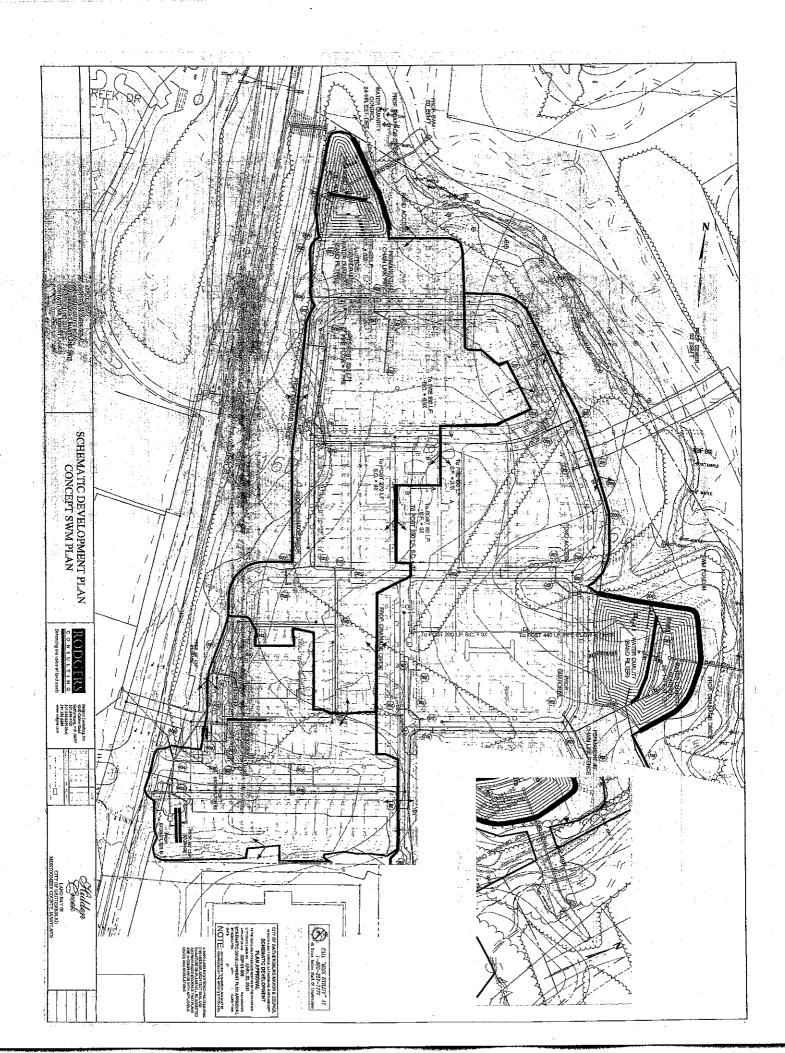


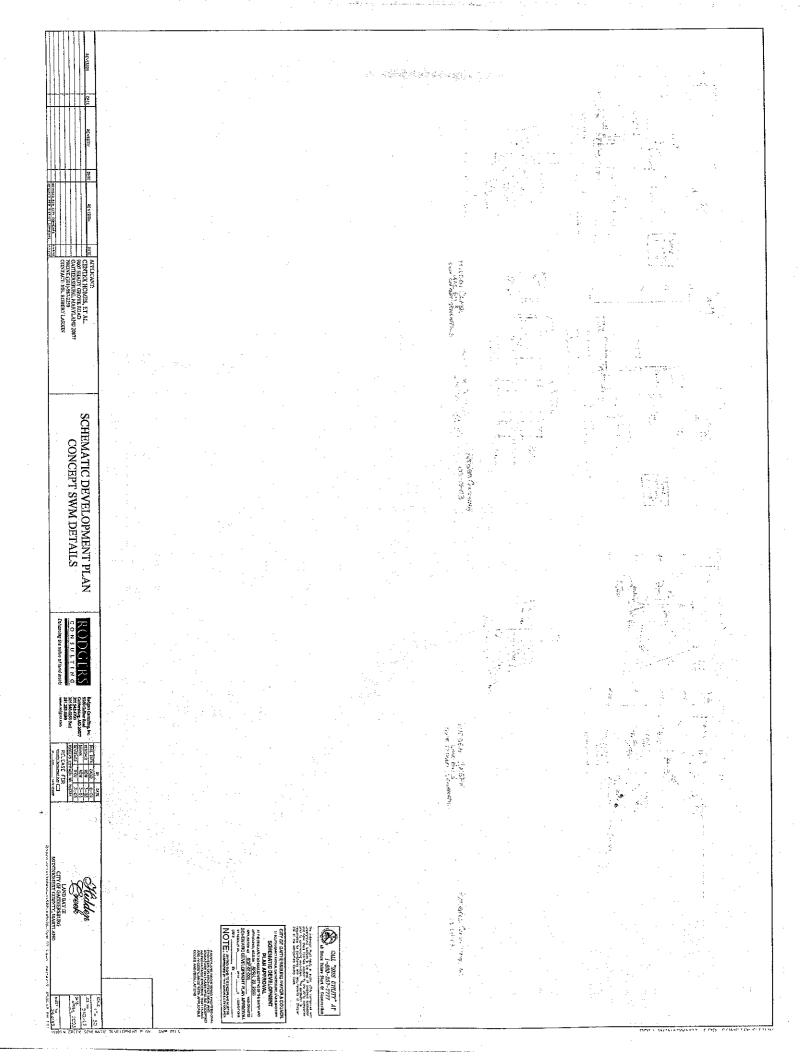


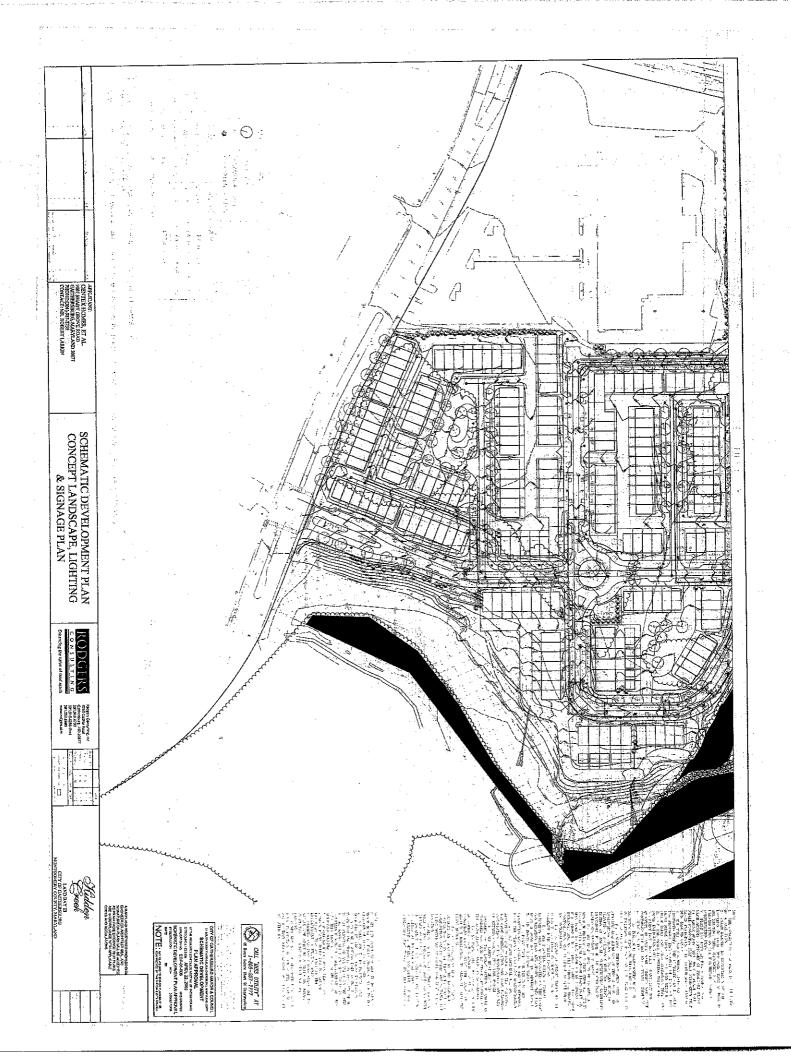


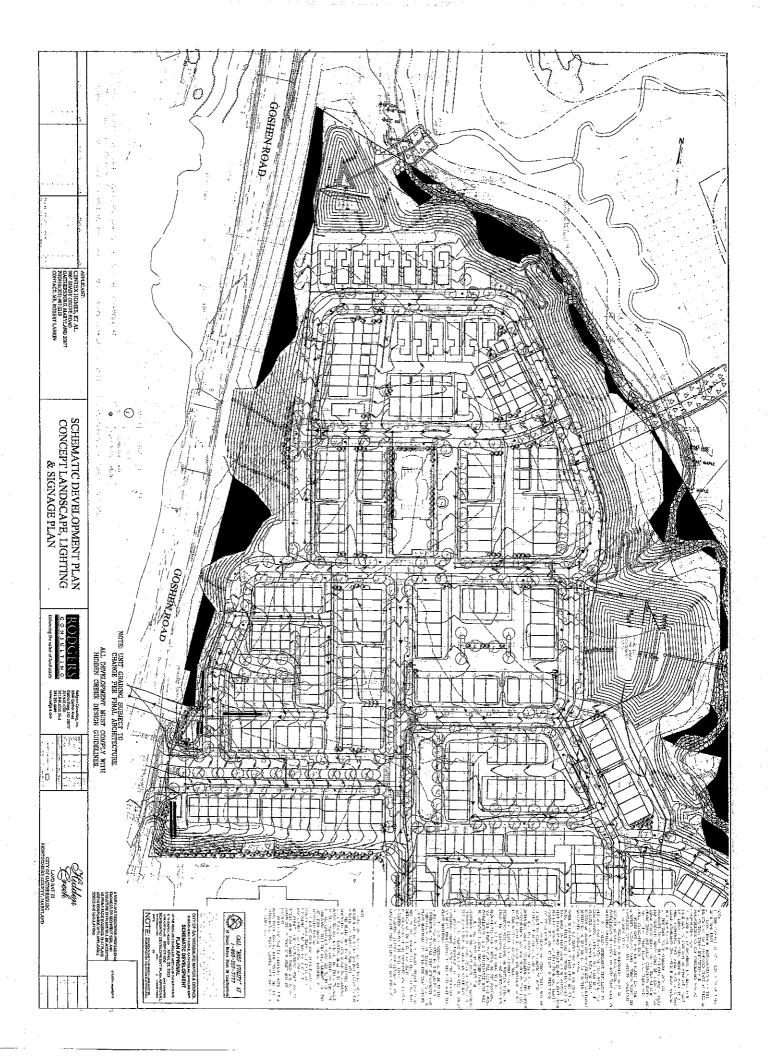


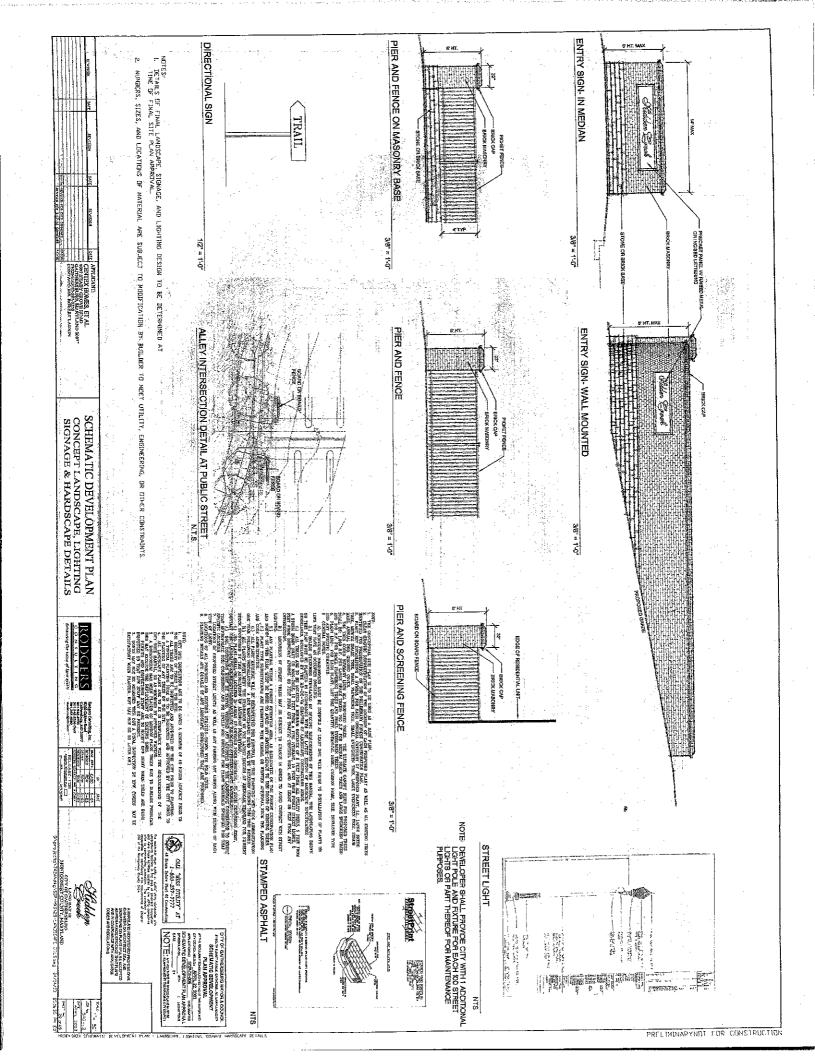


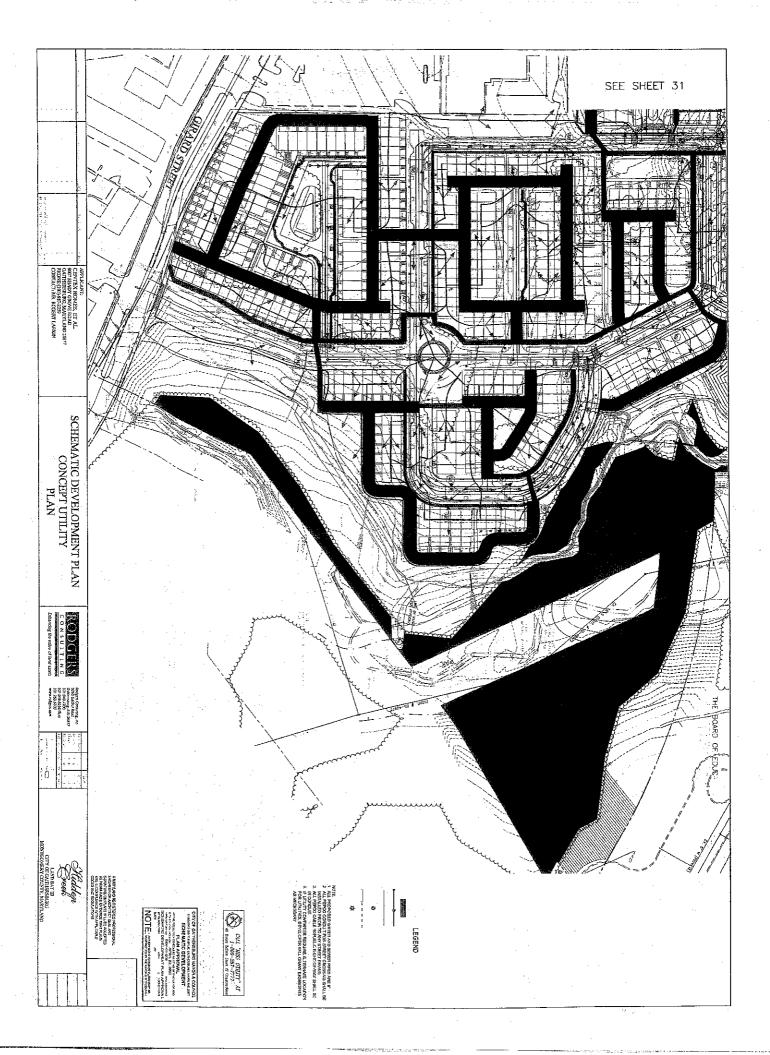


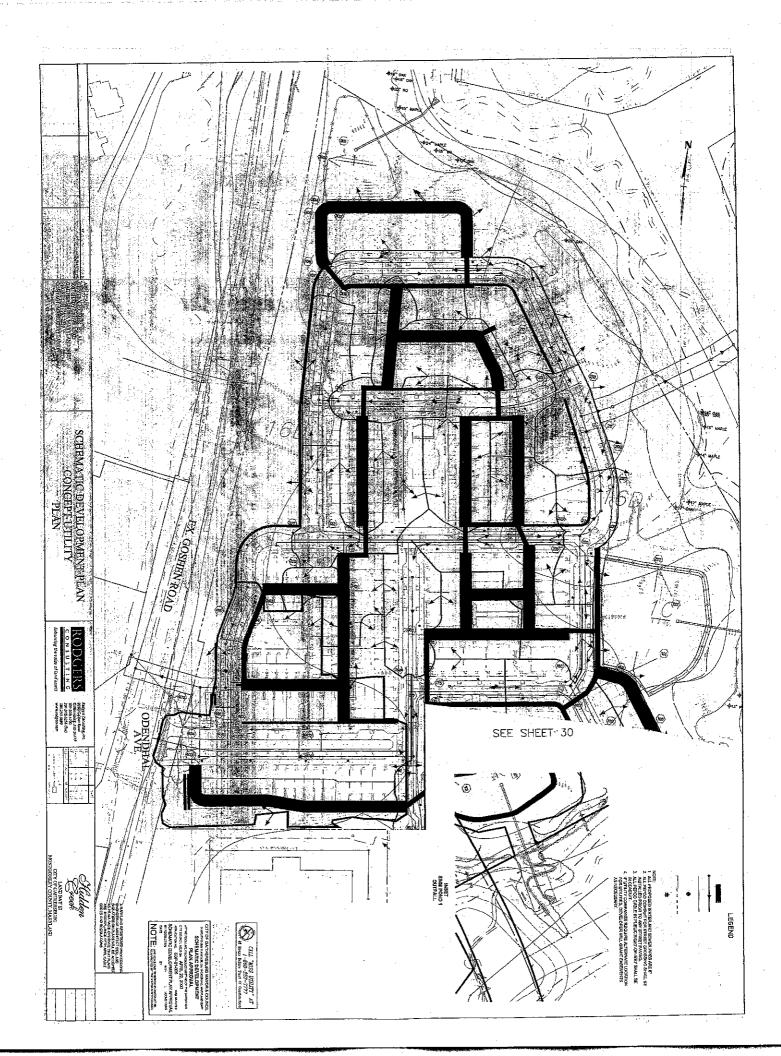


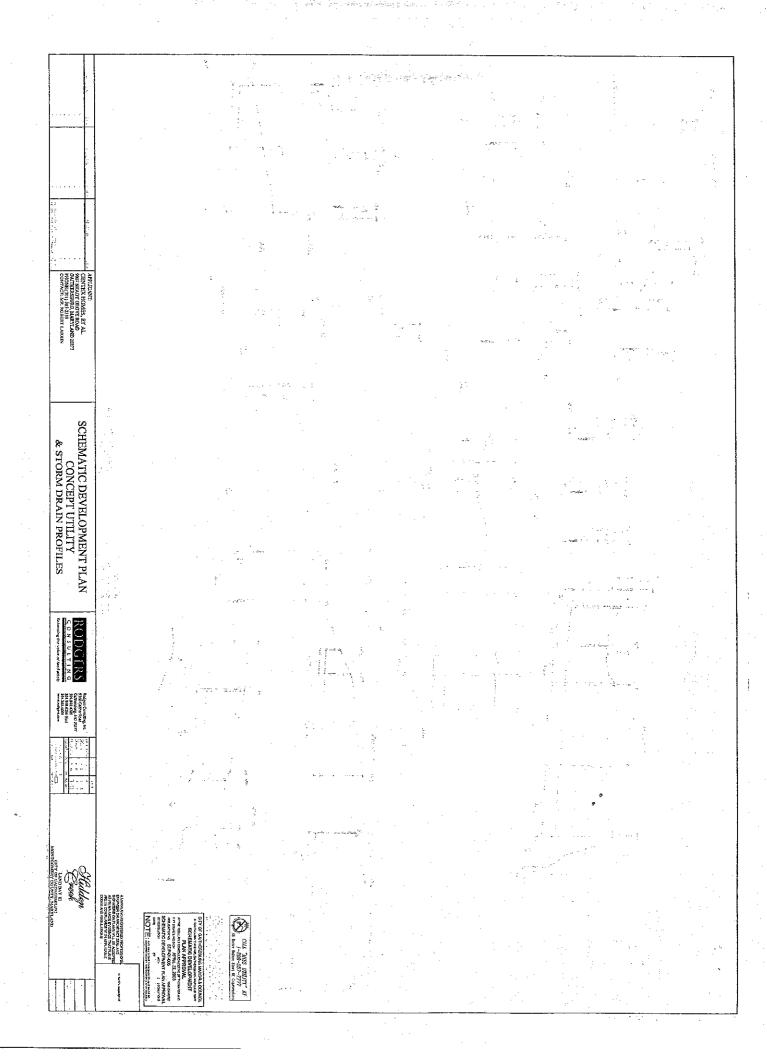












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